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COMMUNICATIONS, and LETTERS on business must be addressed, *Post-paid.*

LAWS OF MAINE.

An act defining the time on which Public Statutes shall take effect.

Section 1. Be it enacted by the Senate and House of Representatives, in Legislature assembled, That all public Statutes shall be published, in the paper designated to print the laws of the State, within twenty days after the close of the session at which they are passed.

Section 2. Be it further enacted, That all Public Statutes shall begin to take effect, and have force, in twenty days from the date of their publication as above unless the provision of any Statute otherwise order. Approved by the Governor, Jan. 25, 1834.

An additional Act respecting salaries of Registers of Probate.

Be it enacted by the Senate and House of Representatives, in Legislature assembled, That the salary of the Register of Probate for the County of York, shall be Six Hundred dollars instead of the salary now established by law commencing on the first day of January one thousand eight hundred and thirty four Approved by the Governor, January, 29, 1834.

An Act additional to an act establishing the salaries of certain officers.

Sec. 1. Be it enacted by the Senate and House of Representatives, in Legislature assembled, That from and after the expiration of the term of the present Chief Justice the sum of sixteen hundred dollars shall be allowed and paid to each of the Justices of the Supreme Judicial Court.

Sec. 2. Be it further enacted, That such parts of the act, to which this is additional as are inconsistent with this act, be and the same are hereby repealed. Approved by the Governor, February 1, 1834.

An Act to incorporate the Brunswick Company.

Section 1. Be it enacted by the Senate and House of Representatives in Legislature assembled, That Isaac Lincoln, Joseph McKeen, Richard T. Dunlap, Abner B. Thompson, Ebenezer Everett, Nathaniel Davis, John C. Humphreys, David Dunlap, Noah Hinkley, Elijah P. Pike, Naarcissa Stone, Robert P. Dunlap, Thomas Pennell, John Dunning, and James McKeen, their associates and successors, be, and they hereby are constituted a body politic and corporate, by the name of the Brunswick Company, for the purpose of manufacturing cotton, wool, iron and steel, and such other raw materials as may be necessarily and conveniently connected therewith, in the town of Brunswick. And said corporation may erect such mills, dams, works, machines and buildings on their own land, as may be necessary and useful in carrying on the business of said company, and for these purposes shall have all the powers and privileges, and be subject to all the duties and requirements contained in the several acts of this State, defining the general powers and duties incident to manufacturing companies, and not consistent with the provisions of the second section of this act.

Section 2. Be it further enacted, That said corporation may take any real or personal estate to an amount not exceeding, at any one time in the whole, the value of five hundred thousand dollars. That the capital stock to be invested by said corporation, shall be divided into shares of three hundred and twenty-five dollars each. That each proprietor shall be entitled to as many votes as he may hold shares; and that no assessment shall ever be made by said corporation upon any share after the sum of three hundred and twenty five dollars shall have been actually paid by the proprietors thereof, to the treasurer of said corporation.—Approved Feb. 6, 1834.

An Act to repeal "An Act respecting the anchorage of vessels on the fishing grounds near the Mananas and Monhegan Islands."

Be it enacted in the Senate and House of Representatives in Legislature assembled, That the act, entitled "An Act respecting the anchorage of vessels on the fishing grounds near the Mananas and Monhegan Islands" passed on the thirtieth day of March, one thousand eight hundred and thirty one, be and the same is hereby repealed. Approved by the Gvernor, February 8, 1834.

An Additional Act to increase the salary of the Register of Probate in the county of Somerset.

Be it enacted by the Senate and House of Representatives in Legislature assembled, That the salary of the Register of Probate in the county of Somerset, shall be two hundred and twenty five dollars instead of the salary now established by law, commencing on the first day of January one thousand eight hundred and thirty four. Approved by the Governor, February 17, 1834.

An Act in addition to "an act to exempt from taxation Manufacturing Companies of Cotton, Wool, Iron and steel, for limited times."

Sec. 1. Be it enacted by the Senate and House of Representatives in Legislature assembled, That the privileges and benefits of exemption from assessment and taxation, allowed by "an act to exempt from taxation Manufacturing Companies of cotton, wool, iron and steel for limited times," made and passed February seventh, in the year of our Lord one thousand eight hundred and twenty five, be and hereby are so far modified and extended in regard to the Portland Manufacturing Company, as that the term of three years exemption from taxation shall be allowed said Company; said three years commencing on the 1st day of August in the year of our Lord one thousand eight hundred and thirty three.

Sec. 2. Be it further enacted, That the Capital Stock of said Portland Manufacturing Company, may be, and hereby is reduced from the sum of five hundred thousand dollars, to the sum of two hundred and fifty thousand dollars. Approved by the Governor, February 21, 1834.

An Act to incorporate the Mousum Manufacturing Company.

Section 1. Be it enacted by the Senate and House of Representatives in Legislature assembled, That Johnathan Fiske, Jeremiam Brown Moses Brown, Mordecai D. Lewis, Isaiah Hacker and David S. Brown, with their associates and successors, be and hereby are created a body politic and corporate, by the name of the Mousum Manufacturing Company, for the purpose of manufacturing iron and steel, cotton and woollen goods in the town of Kennebunk, and for this purpose shall have all the powers and priviliges, and be subjected to all the duties and requirements prescribed in the several acts of the State defining the general powers and duties of manufacturing companies. And the said corporation are hereby authorized and empowered to purchase and hold real and personal estate to an amount not exceeding one hundred thousand dollars in the whole, at any one time, and may alienate the same at pleasure.

Section 2. Be it further enacted, That all the corporation meetings shall be held within the town of Kennebunk, and that all the records, books of accounts, and other papers, the property of said corporation shall be kept in said town of Kennebunk. Approved February 22, 1834.

An Act to prevent the destruction of Pickerel in Chandler's Mill Pond and Joel Bean's Mill Pond.

Section 1. Be it enacted by the Senate and House of Representatives in Legislature assembled, That if any person within four years from the passing of this Act, shall take or destroy any Pickerel in Chandler's Mill Pond, so called, lying in Wintirop and Readfield, and in Joel Bean's Mill Pond, lying in the town of Readfield and Mount Vernon, in the County of Kennebec, or any of the streams or waters connecting those ponds, he shall forfeit and pay a fine of one dollar for every Pickerel so taken or destroyed; and all fines arising from the violation of this Act, may be recovered by action of debt, one moiety thereof to the use of said town, in which the provisions of this Act shall be violated, and the other moiety thereof to any person who may sue for the same. Approved February 25, 1834.

An additional act respecting the salaries of Judges and Registers of Probate.

Sect. 1. Be it enacted by the Senate and House of Representatives in Legislature assembled, That the salary of the Register of Probate for the County of Washington shall hereafter be Three Hundred and Fifty Dollars instead of the salary now established by law. Approved by the Governor, Feb. 26, 1834.

An Act to incorporate Lewiston Falls Manufacturing Company.

Sect. 1 Be it enacted by the Senate and House of Representatives in Legislature assembled, That John M. Frye, William R. Frye, their associates and successors, be and they hereby are constituted a body politic and corporate, by the name of the Lewiston Falls Manufacturing Company, for the purpose of manufacturing wood, cotton, wool, iron and steel, at Lewiston Falls, in the town of Lewiston, and said corporation may erect such mills, dams, works, machines and buildings, and dig such canals on their own lands as may be necessary for carrying on these useful manufactues and branches of trade—to have and to hold real and personal estate to an amount not exceeding one hundred thousand dollars in value, and to have power to give, grant, sell and dispose of the same—and shall have the powers and privileges, and be subject to all the duties and requirements expressed in the several acts of this State, defining the general powers and duties incident to manufacturing companies. Approved, Feb. 26, 1834.

An Act to prevent the destruction of Pickerel in Thomas's Pond, Norton's and Camden Pond, and Fletcher's Pond, in the county of Waldo.

Section 1. Be it enacted by the Senate and House of Representatives in Legislature assembled, That if any person within four years from the passing of this Act, shall take or destroy any Pickerel in Thomas's Pond, partly in Searsmont, in the Norton and Camden Pond, partly in Camden, and in the Fletcher Pond in Lincolnville; or any of the streams emptying into or issuing out of either of said Ponds, or in any of the waters connected therewith, he or they shall forfeir and pay a fine of one dollar for every Pickerel so taken or destroyed.

Section 2. Be it further enacted, That if any person or persons shall set eel pots or nets in said pond or ponds, or any of the streams or water connected therewith as aforesaid, for the purpose of taking said fish, or obstructing their passage in said waters, he or they shall forfeit and pay the sum of three dollars for each and every such offence.

Sect. 3. Be it further enacted, That it shall be lawful for any person, who shall find any of the obstructions, mentioned in the foregoing sections, placed or erected in said ponds, or their branches as aforesaid, to take up, pull down, and destroy the same. And all penalties and forfeitures arising by force and virtue of this Act, shall be recovered by action of debt in any court competent to try the same, one moiety thereof to the use of the town where such forfeitures shall incur, and the other moiety thereof to any one who may sue therefor. Approved, Feb. 28, 1834.

An additional Act respecting the salary of Register of Probate in the county of Waldo.

Be it enacted by the Senate and House of Representatives, in Legislature assembled, That the salary of the Register of Probate for the county of Waldo, shall be three hundred dollars instead of the salary now established by law, commencing on the first day of January one thousand eight hundred and thirty four.—Approved by the Governor, March 7, 1834.

An Act to prevent the destruction of Pickerel.

Section 1. Be it enacted by the Senate and House of Representatives in Legislature assembled, That if any person within three years from the passing of this act, shall take or destroy any pickerel in the Fifteen Mile Pond, or Sibley Pond or any of the streams entering into or issuing out of either of said ponds, in the towns of Canaan, Pittsfield and Hartland in the county of Somerset, he shall forfeit and pay a fine of one dollar for every pickerel so taken or destroyed.

Section 2. Be it further enacted, That if any person shall set Eel pots, Fish pots or Nets, or erect any Wears in either of said ponds, or any of the streams or waters aforesaid, for the purpose of taking said Fish or obstructing their passage in said waters, he shall forfeit and pay a fine of two dollars for every such offence.

Sect. 3. Be it further enacted, That it shall be lawful for any person finding any of the obstructions aforesaid, placed or erected in either of said ponds or any of the streams or waters thereof, to take up, pull down or demolish the same. And all fines arising from the violation of this act may be recovered by action of debt, one moiety thereof to the use of said towns, and the other moity thereof to the person who may sue therefor. Approved March 10, 1834.

An Act enabling the owners of Meetinghouses to manage the same.

Section 1. Be it enacted by the Senate and House of Representatives in Legislature assembled, That the owners of any Meeting house, not a parish, shall have power to incorporate themselves for the purpose of repairing, enlarging and removing the same, in like manner as parishes may by law incorporate themselves, and may choose like officers, raise and assess taxes, and as a body politic for the sole purposes aforesaid, do all things which a parish or religious society may do, in exercise of the authority in them by law vested. Provided nevertheless—that the owners of any old and unoccupied Meeting house for religious worship, may sell the same if three fourths of the owners thereof, shall so decide at any legal meeting of said owners duly held for that purporse, and the proceeds of any such sale, after deducing all necessary expenses, shall be divided among the several proprietors according to their respective interests in the same.

Sect. 2. Be it further enacted, That an Act entitled "An Act enabling the owners of Meetinghouses to manage the same," approved March third, one thousand eight hundred and twenty six, be and is hereby repealed. Approved March 11, 1834.

An Act to prevent obstructions to the navigaton in Kennebec River.

Be it enacted by the Senate and House of Representatives in Legisluture assembled, That if any person or persons shall throw into the Kennebec River, between the Kennebec Bridge at Augusta, and the Village in Gardiner, any chips, slabs, sawdust or any other rubbish, whereby the navigation of said river shall be impeded or injuriously affected; or if any person or persons having a charge of, or being employed in any mill, factory, or any machinery connected therewith, shall cause or suffer to be deposited in said river any chips, slabs, sawdust or any other rubbish made and collected by the opperation of such mill, factory or machinery, to the injury of any citizen of this state he or they shall forfeit and pay for each offence, a sum not exceeding twenty dollars nor less than five dollars, to any person who may sue for the same; and shall also be liable to pay all damages which any individual may suffer by reason of such obstructions, in an action of the case, in any court competent to try the same. Approved March 11, 1834.

An Act to establish a Municipal Court in the town of Bath.

Section 1. Be it enacted by the Senate and House of Representatives in Legislature assembled, That there be and hereby is established, a court to be denominated the Municipal Court for the town of Bath, in the County of Lincoln, to consist of one Judge who shall take cognizance of and exercise jurisdiction over all such matters and things as Justices of the peace for said County, may by law take cognizance of, and exercise jurisdiction over, and under like restrictions and limitations, and in like manner as they may exercise the same; and of the action of forcible entry and detainer in like manner, with Justices of the Peace and Quorum. And said Judge shall keep records of his proceedings, and deliver copies thereof, when thereto legally required, which being duly certified, shall be evidence of such records and proceedings in all other Courts.

Sect. 2. Be it further enacted, That no Justice of the Peace within said town of Bath, shall exercise any civil or criminal jurisdiction, except under authority of the United States, in any civil or criminal process, wherein said Judge is not a party or interested, and accept or receive any fee therefor, under penalty of twenty dollars for every offence, to the use of said County, to be recovered by indictment in any Court proper to try the same.

Sect. 3. Be it further enacted, That said Court shall be held at such time and place, in Bath, as said Judge shall direct: and said town of Bath shall have power to raise money for the, purpose of furnishing and paying such expenses of said Court as they may see fit.

Sect. 4. Be it further enacted, That said Court shall also have cognizance of simple larcenies, when the property alleged to be stolen, shall not exceed twenty dollars in value, and shall have power to try the same, and to sentence and convict therefor, as in cases of such larcenies of property under five dollars; and it shall also be awful for said Judge, at his discretion, to commit to the house of correction or jail of said County, on such terms as may be agreed upon by said town of Bath, or the overseers of their house of correction, and the County Commissioners for said County.

Sect. 5. Be it further enacted, That any person aggrieved by any sentence awarded by said Judge, may appeal therefrom in the same manner as if said sentence were awarded by a justice of the Peace and under the same recognizance.

Sect. 6. Be it further enacted that said Judge shall have power at his own expense, to appoint a recorder of said Court during his pleasure, who may make the records thereof, and in case of the sickness or necessary abscence of said Judge, shall have all the powers of said Judge, except the trial of issues in civil actions; and in case of the death of said Judge such recorder shall have all the powers, be liable to all the duties, and entitled to the salary of said Judge, until a Judge shall be commissioned and qualified, and a copy of the appointment or removal of any such recorder shall be entered on the records of said Court, before the same shall have any validity.

Sect. 7. Be it further enacted, That said Judge shall be appointed by the Governor, by and with advice of Council, and shall receive for his services the sum of two hundred and fifty dollars per annum, to be paid quarterly at the Treasury of said County: and said Judge shall demand and receive for all processes before him, the same fees as are taxable by Justices of the Peace, and account therefor on oath quarterly, to the Treasurer of said County, towards his salary, and the balance, if any over said salary, for any quarter, he shall pay into said Treasury; and all fines and penalties awarded by said Judge, shall be accounted for and paid over, as if the same had been awarded by the sentence of any Justice of the Peace. And said Judge shall not act as Counsellor nor attorney in any case liable to come before said Court.

Sect. 8. Be it further enacted, That this Act shall not be in force and take effect, except for the purpose of appointing said Judge, which may be made forthwith, until the first day of June. Approved March 12, 1834.

An Act providing for the use of broad rimmed wheels in certain towns in the county of Penobscot.

Sect. 1. Be it enacted by the Senate and House of Representatives, in Legislature assembled, That every inhabitant of the towns hereinafter named, in the county of Penobscot, who shall before the first day of April one thousand eight hundred and thirty-five, procure and become the owner of a pair of iron bound oxcart or wagon wheels, with felloes not less than six inches wide, or a double horse wagon, with wheels with felloes not less than four inches wide, shall, on exhibiting to the Treasurers of the respective towns thereof where such owner resides, satisfactory evidence thereof, be entitled to receive out of the Treasury of said town such a bounty as said towns at a legal meeting of the inhabitants thereof may agree to allow for said oxeart or wagon wheels. Provided, That no more than one bounty shall be paid for the same pair of wheels, nor to any person who manufactured or altered them for the purpose of sale and not for his own use.

Sect. 2. Be it further enacted, That after the first day of April one thousand eight hundred and thirty-six, no person who shall be an inhabitant or residing within the towns of Levant, Corinth, Charleston, Dover, Foxcroft, Guilford, Atkinson, and Sebec, shall use on the county road, commencing at Levant Village and continuing through said towns of Corinth, Charleston, Dover, Foxcroft, to Guilford Village, and also on the county road commencing at the forks of the roads at Charleston, thence continuing through said Charleston, Atkinson and Sebec, in said county of Penobscot, any oxcart, or wagon wheels of less width than specified in the first section of this act under a penalty of three dollars for each time he shall so use a pair of wheels of less width than aforesaid, and for each pair he may so use. But the penalty shall not be incurred by any person who does not haul a load exceeding fifteen hundred pounds in any oxcart or wagon.

Sect. 3. Be it further enacted, That it shall be the duty of the Treasurer in each of said towns, to pay the persons who are entitled thereto, the bounties herein provided, to keep an accurate account thereof, and to exhibit the same to the town at its annual meeting in March or April in each year.

Sect. 4. Be it further enacted, That the said several towns be & they hereby are authorized to raise and assess upon the polls and estates of the inhabitants thereof, and upon the lands of non-resident proprietors therein respectively, sufficient money from time to time as may be necessary for the purpose of paying the bounties aforesaid.

Sect. 5. Be it further enacted, That it shall be the duty of the person claiming the said bounty, to make out and deliver to the Treasurer of whom such bounty may be demanded a certificate, particularly describing the wheels for which he may demand a bounty, stating among other things, where, when and by whom they were made, and of whom he bought them; and it shall be the duty of said Treasurer to see that it is correct, so far as it may be in his power, and he shall keep said certificate on the files in his office.

Sect. 6. Be it further enacted, That if any person shall knowingly make any false statements in said certificate, or shall knowingly demand and receive any bounty, or any part thereof, on any pair of wheels on which a bounty had before been paid by any town Treasurer as aforesaid, the person so receiving it or any part thereof, shall forfeit and pay treble the amount of the bounty, which, or any part of which was received for the obtaining of which any such certificate containing such false statements was made.

Sect. 7. Be it further enacted, That the forfeitures & penalties herein provided, shall be demanded, sued for and recovered by any one of the surveyors of highways, selectmen or town clerk, of the town in which any wheels may be used, contrary to the provisions of this act.—And all sums so received shall after deducting the actual and necessary expenses of the prosecution, be paid over by the person so receiving and recovering the same to the treasurer of the town in which he lives, of which said treasurer shall render a true account to the town at its next annual meeting in March or April, and which shall be applied by said town in the manner it may prescribe for the repair of the highways therein. Approved March 12, 1834.

IN SENATE.

THURSDAY, April 17, 1834.

Several messages were received from the President of the United States, by Mr. DONELSON, his private Secretary; among them the following

PROTEST;

To the Citizens of the United States:

It appears by the published journal of the Senate, that on the 26th of December last, a resolution was offered by a member of the Senate, which, after a protracted debate, was, on the twenty eighth day of March last, modified by the mover, and passed by the votes of twenty six Senators out of forty-six,* who were present and voted, in the following words, viz.

Resolved, That the President, in the late Executive proceedings in relation to the public revenue, has assumed upon himself authority

and power not conferred by the constitution and laws, but in deorgation of both."

Having had the honor, through the voluntary suffrages of the American People, to fill the office of President of the United States during the period which may be presumed to have been referred to in this resolution, it is sufficiently evident that the censure it inflicts was intended for myself. Without notice, unheard and untried, I thus find myself charged on the records of the Senate, and in a form hitherto unknown in our history, with the high crime of violating the laws and constitution of my country.

It can seldom be necessary for any Department of the Government, when assailed in conversation, or debate, or by the strictures of the press or of popular assemblies, to step out of ordinary path for the purpose of vindicating its conduct, or of pointing out any irregularity or injustice in the manner of the attack. But when the chief Executive Magistrate is, in its official capacity, in a public manner, and by its recorded sentence, but without precedent, competent authority, or just cause, declared guilty of a breach of the laws and constitution, it is due to his station, to public opinion, and to a proper self-respect, that the officer thus denounced should promptly expose the wrong which has been done.

In the present case, moreover, there is even a stronger necessity for such a vindication. By an express provision of the constitution, before the President of the United State can enter on the execution of his office, he is required to take an oath or affirmation in the following words:

"I do solemnly swear (or affirm) that I will "faithfully execute the office of President of "the United States; and will, to the best of my "ability, preserve, protect, and defend, the con-"stitution of the United States."

The duty of defending, so far as in him lies, the integrity of the constitution, would indeed have resulted from the very nature of his offence; but by thus expressing it in the oath or affirmation, which, in this respect, differs from that of every other functionary, the founders of our Republic have attested their sense of its importance, and have given to it a peculiar solemnity and force. Bound to the preformance of this duty by the oath I have taken, by the strongest obligations of gratitude to the American People, and by the ties which unite my every earthly interest with the welfare and glory of my country; and perfectly convinced that the discussion and passage of the above mentioned resolution were not only unauthorized by the constitution, but in many respects repugnant to its provisions and subversive of the rights secured by it to other co-ordinate departments. I deem it an imperative duty to maintain the supremacy of that sacred instrument, and the immunities of the department intrusted to my care, by all means consistent with my own lawful powers, with the rights of others, and with the genius of our civil institutions. To this end, I have caused this, my *solemn protest* against the aforesaid proceedings, to be placed on the files of the Executive Department, and to be transmitted to the Senate.

It is alike due to the subject, the Senate, and the People, that the views which I have taken of the proceedings referred to, and which compel me to regard them in the light that has been mentioned, should be exhibited at length, and with the freedom and firmness which are required by an occasion so unprecedented and peculiar.

Under the constitution of the United States, the powers and functions of the various departments of the Federal Government, and their responsibilities for violation or neglect of duty, are clearly defined or result by necessary inference. The Legislative power, subject to the qualified negative of the President, is vested in the Congress of the United States, composed of the Senate and House of Representatives.—The Executive power is vested exclusively in the President, except that in the very conclusion of treaties and in certain appointments to office, he is to act with the advice and consent of the Senate. The Judicial power is vested exclusively in the Supreme and other Courts of the United States, except in cases of impeachment, for which purpose the accusative power is vested in the House of Representatives, and that of hearing and determining, in the Senate. But although for the special purposes which have been mentioned, there is an occasional intermixture of the powers of the different departments, yet with these exceptions, each of the three great departments is independent of the others in its sphere of action; and when it deviates from that sphere, is not responsible to the others, further than it is expressly made so in the constitution. In every other respect, each of them is the coequal of the other two, & all are the servants of the American People, without power or right to control or censure each other in the service of their common superior, save only in the manner and to the degree which that superior has prescribed.

The responsibilities of the the President are numerous and weighty. He is liable to impeachment for high crimes and misdemeanors, and, on due conviction, to removal from office, and perpetual disqualification: and notwithstanding such conviction, he may also be in icted and punished according to law. He is also liable to the private action of any party who may have been injured by his illegal mandates or instructions, in the same manner and to the same extent as the humblest functionary. In addition to the responsibilities which may thus be enforced by impeachment, criminal prosecution, or suit at law, he is also accountable at the bar of public opinion, for every act of his administration. Subject only to the restraints of Truth and Justice, the free People of the United Stater have the undoubted right, as individuals or collectively, orally or in writing, at such times, and in such language and form as they may think proper, to discuss his official conduct, and to express and promulgate their opinions concerning it. Indirectly, also, his conduct may come under review in either branch of the Legislature, or in the Senate when acting in its Executive capacity, and so far as the executive or legislative proceedings of these bodies may require it, it may be examined by them. These are believed to be the proper and only modes, in which the President of the United States is to be held accountable for his official conduct.

Tested by these principles, the resolution of the Senate is wholly unauthorized by the constitution, and in derogation of its entire spirit. It assumes that a single branch of the Legislative Department may, for the purpose of public censure, and without any view to legislation or impeachment, take up, consider, and decide upon the official acts of the Executive. But in no part of the constitution is the President subjected to any such responsibility; and in no part of that instrument is any such power conferred on either branch of the Legislature.

The justice of these conclusions will be illustrated and confirmed by a brief analysis of the powers of the Senate, and a comparison of their proceedings with those powers.

The high functions assigned by the constitution to the Senate, are in their nature either Legislative, Executive or Judicial. It is only in the exercise of its Judicial powers, when sitting as a Court for the Trial of Impeachments, that the Senate is expressly authorized and necessarily required to consider and decide upon the conduct of the President or any other public officer. Indirectly, however, as has already been suggested, it may frequently be called to perform that office. Cases may occur in the course of its Legislative or Executive proceedings, in which it may be indispensable to the proper exercise of its powers, that it should inquire into, and decide upon, the conduct of the President or other public officers; and in every such case, its constitutional rigth to do so is cheerfully conceded. But to authorize the Senate to enter on such a task in its Legislative or Executive capacity, the inquiry must actually grow out of, and tend to some Legislative or Executive action; and the decision when expressed, must take the form of some appropriate Legislative or Executive act.

The resolution in question was introduced, discussed, and passed, not as a joint, but as a separate resolution. It asserts no Legislative power; proposes no Legislative action, and neither possesses the form nor the attributes of a Legislative measure. It does not appear to have been entertained or passed, with any view or expectation of its issuing in a law or joint resolution, or in the repeal of any law or joint resolution, or in any other Legislative action.

Whilst wanting both the form and substance of a Legislative measure, it is equally manifest, that the resolution was not justified by any of the Executive powers conferred on the Senate. These powers relate exclusively to the consideration of treaties and nominations to office; and they are exercised in secret session, and with closed doors. This resolution does not apply to any treaty or nomination, and was passed in public session.

Nor does this proceeding in any way belong to that class of incidental resolutions which relate to the officers of the Senate, to their chamber, and other appertenances, or to subjects of order, and all other matters of the like nature—in all which either House may lawfully proceed, without any co-operation with the other, or with the President.

On the contrary, the whole phraseology and sense of the resolution seem to be judicial.—Its essence, true character, and only practical effect, are to be found in the conduct which it charges upon the President, and in the judgment which it pronounces on that conduct.—The resolution, therefore, though discussed and adopted by the Senate, in its Legislative capacity, is, in its office, and in all its characteristics, essentially judicial.

That the Senate possesses a high Judicial power, and that instances may occur in which the President of the United States will be amenable to it, is undeniable. But under the provisions of the constitution, it would seem to be equally plain that neither the President nor any other officer can be rightfully subjected to the operation of the judicial power of the Senate except in the cases under the forms prescribed by the constitution.

The constitution declares that "The Presi-"dent, Vice President, and all the civil officers "of the United States, shall be removed from "office on impeachment for, and conviction of "treason, bribery, or other high crimes and mis-"demeanors"—that the House of Representatives "shall have the sole power of impeachment"—that the Senate "shall have the sole power to try all impeachments"—that "when sitting for that purpose, they shall be on oath or affirmation"—that "when the President of the United States is tried, the Chief Justice shall preside"—that "no person shall be convicted without the concurrence of two thirds of the members present"—and that "judgment shall "not extend further than to removal from office, "and disqualification to hold and enjoy any of-"fice of honor, trust, or profit, under the Uni-"ted States."

The resolution above quoted, charges in substance that in certain proceedings relating to the public revenue, the President has usurped authority and power not conferred upon him by the constitution and laws, and that in doing so he violated both. Any such act constitutes a high crime—one of the highest, indeed, which the President can commit—a crime which justly exposes him to impeachment by the House of Representatives, and upon due conviction, to a removal from office, and to the complete and immutable disfranchisement prescribed by the Constitution.

The resolution, then, was in substance an impeachment of the President; and in its passage, amounts to a declaration by a majority of the Senate, that he is guilty of an impeachable offence. As such, it is spread upon the journals of the Senate—published to the nation and to the world—made part of our enduring archives—and incorporated in the history of the age. The punishment of removal from office and future disqualification, does not, it is true, follow this decision; nor would it have followed the like decision, if the regular forms of proceeding had been pursued, because the requisite number did not concur in the result. But the moral influence of solemn a declaration, by a majority of the Senate, that the accused is guilty of the offence charged upon him, has been as effectually secured, as if the like declaration had been made upon an impeachment expressed in the same terms. Indeed, a greater practical effect has been gained, because the votes given for the resolution, though not sufficient to authorize a judgment of guilty on an impeachment, were numerous enough to carry that resolution.

That the resolution does not expressly alledge that the assumption of power and authority, which it condemns, was intentional and corrupt, is no answer to the preceding view of its character and effect. The act thus condemned, necessarily implies volition and design in the individual to whom it is imputed, and being unlawful in its character, the legal conclusion is, that it was prompted by improper motives, and committed with unlawful intent. The charge is not of a mistake in the exercise of supposed powers, but of the assumption of powers not conferred by the constitution and laws, but in derogation of both, and nothing is suggested to excuse or palliate the turpitude of the act. In the absence of any excuse, or palliation, there is only room for one inference; and that is, that the intent was unlawful and corrupt. Besides, the resolution not only contains no mitigating suggestion, but on the contrary, it holds up the act complained of, as justly obnoxious to censure and reprobation; and thus as distinctly stamps it with impunity of motive, as if the strongest epithets had been used.

The President of the United States, therefore, has been, by a majority of his constitutional triers, accused and found guilty of an impeachable offence, but in no part of this proceeding have the directions of the constitution been observed.

The impeachment, instead of being preferred and prosecuted by the House of Representatives, originated in the Senate, and was prosecuted without the aid and concurrence of the other House. The oath or affirmation prescribed by the constitution, was not taken by the Senators; the Chief Justice did not preside; no notice of the charge was given to the accused; and no opportunity afforded him to respond to the accusation, to meet his accusers face to face, to cross examine the witnesses, to procure counteracting testimony, or to be heard in his defence. The safe guards and formalities which the constitution has connected with the power of impeachment, were doubtless supposed by the framers of that instrument, to be essential to the protection of the public servant, to the attainment of justice, and to the order, impartiality, and dignity of the proceedure. These safe-guards and formalities were not only practically disregarded, in the commencement and conduct of these proceedings, but in their result, I find myself convicted by less than two thirds of the members present, of an impeachable offence.

In vain may it be alleged in defence of this proceeding, that the form of the resolution is not that of an impeachment, or of a judgment thereupon, the punishment prescribed in the constitution does not follow its adoption, or that in this case, no impeachment is to be expected from the House of Representatives.—It is because it did not assume the form of an impeachment, that it is the more palpably repugnant to the constitution; for it is through that form only that the President is judicially responsible to the Senate; and though neither removal from office nor future disqualification ensues, yet it is not to be presumed, that the framers of the constitution considered either or both of those results, as constituting the whole of the punishment they prescribed. The judgment of *guilty* by the highest tribunal in the Union; the stigma it would inflict on the offender; his family and fame; and the perpetual record on the journal, handing down to future generations the story of his disgrace, were doubtless regarded by them as the bitterest portions, if not the very essence of that punishment. So far, therefore, as some of its most material parts are concerned, the passage, recording, and promulgation of the resolution, are an attempt to bring them on the President, in a manner unauthorized by the constitution. To shield him and other officers who are liable to impeachment, from consequences so momentous; except when really merited by official delinquence, the constitution has most carefully guarded the whole process of impeachment. A majority of the House of Representatives, must think the officer guilty before he can be charged. Two-thirds of the Senate must pronounce him guilty or he is deemed to be innocent. Forty six Senators appear by the journal to have been present when the vote on the reslution was taken. If, after all the solemnities of an impeachment, thirty of those Senators had voted that the President was guilty, yet would he have been acquitted; but by the mode of proceeding adopted in the present case, a lasting record of conviction has been entered up by the vote of twenty six Senators, without an impeachment or trial; whilst the constitution expressly declares that to the entry of such a judgment, an accusation by the House of Representatives, a trial by the Senate, and a concurrence of two-thirds in the vote of guilty, shall be indispensible pre requisites.

Whether or not an impeachment was to be expected from the House of Representatives, was a point on which the Senate had no constitutional right to speculate, and in respect to which, even had it possessed the spirit of prophecy, its anticipations would have furnished no just grounds for this procedure. Admitting that there was reason to beleive that a violation of the constitution and laws had been actually committed by the President, still it was the duty of the Senate, as his sole constitutional judges, to wait for an impeachment until the other House should think proper to prefer it. The members of the Senate could have no right to infer that no impeachment was intended. On the contrary, every legal and rational presumption on their part ought to have been, that if there was good reason to believe him guilty of an impeachable offence, the House of Representatives would perform its constitutional duty, by arraigning the offender before the justice of his country. The contrary presumption would involve an implication derogatory to the integrity and honor of the Representatives of the People. But suppose the suspicion thus implied were actually entertained, and for good cause, how can it justify the assumption by the Senate of powers not conferred by the constitution?

It is only necessary to look at the condition in which the Senate and the President have been placed by this proceeding, to perceive its utter incompatibility with the provisions and the spirit of the constitution, and with the plainest dictates of humanity and justice.

If the House of Representatives shall be of opinion that there is just ground for the censure pronounced upon the President, then it will be the solemn duty of the House to prefer the proper accusation, and to cause him to be brought to trial by the constitutional tribunal? A majority of its members have already considered the case, and have not only formed but expressed a deliberate judgment upon its merits. It is the policy of our benign systems of jurisprudence, to secure, in all crimnal proceedings, and even in the most trival litigations, a fair, unprejudiced, and impartial trial. And surely it cannot be less important that such a trial should be secured to the highest officer of the Government.

The constitution makes the House of Representatives the exclusive judges, in the first instance, of the question, whether the President has committed an impeachable offence. A majority of the Senate, whose interference with this preliminary question, has, for the best of all reasons, been studiously excluded, anticipate the action of the House of Representatives, assume not only the function which belongs exclusively to that body, but convert themselves into accusers, witnesses, counsel, and judges, prejudice the whole case. Thus presenting the appalling spectacle, in a free states, of judges going through a labored preparation for an impartial hearing and decision, by a previous *ex parte* investigation and sentence against the supposed offender.

There is no more settled axiom in that government whence we derive the model of this part of our constitution than, that "the Lords cannot impeach any to themselves, nor join in the accusation, *because they are judges.*" Independently of the general reasons on which this rule is founded, its propriety and importance are greatly increased by the nature of the impeaching power. The power of arraigning the high officers of Government before a tribunal whose sentence may expel them from their seats and brand them as infamous, is eminently a popular remedy—a remedy designed to be employed for the protection of private right and public liberty, against the abuses of injustice and the encroachments of arbitrary power.—But the framers of the constitution were also undoubtedly aware, that this formidable instrument had been, and might be abused: and that from its very nature, an impeachment for high crimes and misdemeanors, whatever might be its result, would in most cases be accompanied by so much of dishonor and reproach, solicitude and suffering, as to make the power of preferring it, one of the highest solemnity and importance. It was due to both these considerations, that the impeaching power should be lodged in the hands of those who, from the mode of their election and the tenure of their offices, would most accurately express the popular will, and at the same time be most directly and speedily ameanable to the People. The theory of these wise and benignant intentions is, in the present case, effectually defeated by the proceedings of the Senate. The members of that body represent, not the People, but the States; and though they are undoubtedly responsible to the States, yet, from their extended service, the effect of that responsibility, during the whole period of that term, must very much depend upon their impressions of its obligatory force. When a body, thus consinted, expresses before hand, its opinion in a particular case, and thus indirectly invites a prosecution, it not only assumes a power intended for wise reasons to be confined to others, but it shields the latter from that exclusive and personal responsibility under which it was intended to be exercised, and reverses the whole scheme of this part of the constitution.

Such would be some of the objections to this procedure, even if it were admitted that there is just ground for imputing to the President the offences charged in the resolution. But if, on the other hand, the House of Representatives shall be of opinion that there is no reason for charging them upon him, and shall therefore deem it improper to prefer an impeachment, then will the violation of privileges as it respects that House, of justice as it regards the President, and of the constitution, as it relates to both, be only the more conspicuous and impressive.

The constitutional mode of procedure on an impeachment has not been wholly disregarded, but some of the first principles of natural right and enlightened jurisprudence have been violated in the very form of the resolution. It carefully abstains from averring in *which* of "the late proceedings in relation to the public revenue, the President has assumed upon himself authority and power not conferred by the constitution and laws." It carefully abstains from specifying *what laws or what parts* of the constitution have been violated. Why was not the certainty of the offence—"the nature and cause of the accusation"—set out in the manner required in the constitution, before even the humblest individual, for the smallest crime, can be exposed for condemnation? Such a specification was due to the accused, that he might direct his defence to the real points of attack; to the People, that they might clearly understand in what particulars their institutions had been violated; and to the truth and certainty of our public annals. As the record now stands, whilst the resolution plainly charges upon the President at least one act of usurpation in "the late Executive proceedings in relation to the public revenue, "and is so framed that those Senators who believed that one such act, and only one had been committed, could assent to it; its language is yet broad enough to include several such acts; and so it may have been regarded by some of those who voted for it. But though the accusation is thus comprehensive in the censures it implies, there is no such certainty of time, place, or circumstance, as to exhibit the particular conclusion of fact or law which induced any one Senator to vote for it. And it may well have happened, that whilst one Senator believed the same particular act embraced in the resolution was an arbitrary and unconstitutional assumption of power, others of the majority may have deemed that very act both constitutional and expedient, or if not expedient, yet still within the pale of the constitution. And thus a majority of the Senators may have been enabled to concur, in a vague and undefined accusation, that the President, in the course of "the late Executive proceedings in relation to the public revenue," had violated the constitution and laws; whilst, if a separate vote had been taken in respect to each particular act, included within the general terms, the accusers of the President might, on any such vote, have been found in the minority.

Still further to exemplify this feature of the proceeding, it is important to be remarked, that the resolution as offered to the Senate, specified, with adequate precision certain acts of the President which it denounced as a violation of the constitution and laws; and that it was not until the very close of the debate, and when, perhaps, it was apprehended that a majority might not sustain the specific accusation contained in it, that the resolution was so modified as to assume its present form. A more striking illustration of the soundness and necessity of the rules which forbid vague and indefinite generalities, and require a reasonable certainty in all judicial allegations; and a more glaring instance of the violation of those rules, has seldom been exhibited.

In this view of the resolution it must certainly be regarded, not as a vindication of any particular provision of the law or the constitution, but simply as an official rebuke or condemnatory sentence, too general and indefinite to be easily repelled, but yet sufficiently precise to bring into discredit the conduct and motives of the Executive. But whatever it may have been intended to accomplish, it is obvious that the vague, general, and abstract form of the resolution, is in perfect keeping with those other departures from first principles and settled improvement in jurisprudence, so proper the boast of free countries, in modern times. And it is not too much to say, of the whole of these proceedings, that if they shall be approved and sustained by an intelligent People, which had established in statutes, in bills of rights, in sacred charters, and in constitutions of Government, the right of every citizen, to a notice before trial, to a hearing before conviction, and to an impartial tribunal for deciding on the charge, have been waged in vain.

If the resolution had been left in its originall form, it is not to be presumed that it could ever have received the assent of a majority of the Senate, for the acts therein specified as violations of the constitution and laws were clearly within the limits of Executive authority. They are the "dismissing of the late Secretary of the "Treasury, because he would not contrary to "his sense of his own duty, remove the money "of the U. States in deposite with the Bank of "the United States and its branches, in conformity with the President's opinion; and appointing his successor to effect such removal, "which has been done." But as no other specification has been substituted, and as these were the "Executive proceedings in relation to "the public revenue," principally referred to in

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*YEAS—Messrs. Bibb, Black, Calhoun, Clay, Clayton, Ewing, Frelinghuysen, Knight, Leigh, Mangum Naudain, Poindexter, Porter, Prentiss, Preston, Robbins, Silsbee, Smith, Southard, Sprague, Swift, Tomlinson, Tyler, Waggaman, Webster—26.

NAYS—Messrs. Benton, Brown, Forsyth, Grundy, Hendricks, Hill, Kane, King, of Ala., King, of Ga., Linn, McKean, Moore, Morris, Robbinson, Shepley, Tallmadge, Tipton, White, Wilkins, Wright—20

the course of the discussion, they will doubtless be generally regarded as the acts intended to be denounced as an "assumption of authority and power not conferred by the constitution or laws "but in derogation of both." It is therefore due to the occasion that a condensed summary of the views of the Executive in respect to them, should be here exhibited.

By the constitution, "the Executive power is vested in a President of the United States." Among the duties imposed upon him, and which he is sworn to perform, is that of "taking care that the laws be faithfully executed." Being thus made responsible for the entire action of the Executive department, it was but reasonable that the power of appointing, overseeing, and controlling those who execute the laws—a power in its nature executive—should remain in his hands. It is, therefore, not only his right, but the constitution makes it his duty, to "nominate, and by and with the advice and consent of the Senate appoint," all "officers of the U. States whose appointments are not in the constitution otherwise provided for," with a proviso that the appointment of inferior officers may be vested in the President alone, in the Courts of Justice, or in the Heads of Departments.

The Executive power vested in the Senate, is neither that of "nominating" nor "appointing." It is merely a check upon the Executive power of appointment. If individuals are proposed for appointment by the President, by them deemed incompetent or unworthy, they may withhold their consent, and the appointment cannot be made. They check the action of the Executive, but cannot in relation to those very subjects, act themselves, nor direct him. Selections are still made by the President, and the negative given to the Senate, without diminishing his responsibility, furnishes an additional guarantee to the country that the subordinate executive, as well as the judicial offices shall be filled with worthy and competent men.

The whole Executive power being vested in the President, who is responsible for its exercise, it is a necessary consequence, that he should have a right to employ agents of his own choice to aid him in the performance of his duties, and to discharge them when he is no longer willing to be responsible for their acts. In strict accordance with this principle the power of removal, which, like that of appointment, is an original Executive power, is left unchecked by the constitution in relation to all executive officers, for whose conduct the President is responsible, while it is taken from him in relation to judicial officers, for whose acts he is not responsible. In the Government from which many of the fundamental principles of our system is derived, the Head of the Executive Department originally had power to appoint and remove at will all officers, Executive and Judicial. It was to take the Judges out of this general power of removal, and thus make them independent of the Executive, that the tenure of their offices was changed to good behaviour. Nor is it conceivable, why they are placed, in our constitution, upon a tenure different from that of other officers appointed by the Executive, unless it be for the same purpose.

But if there were any just ground for doubt on the face of the constitution, whether all executive officers are removable at the will of the President, it is obviated by the cotemporaneous construction of the instrument, and the uniform practice under it.

The power of removal was a topic of solemn debate in the congress of 1789, while organizing the administrative departments of the Government, & it was finally decided, that the President derived from the constitution. the power of removal, so far as it regards that department for whose acts he is responsible. Although the debate covered the whole ground, embracing the treasury as well as all the other Executive Departments, it arose on a motion to strika out of the bill to establish a Department of State, a clause declaring the Secretary "to be removable from office by the President of the United States." After that motion had been decided in the negative, it was perceived that these words did not convey the sense of the House of Representatives, in relation to the true source of the power of removal. With the avowed object of preventing any future inference, that this power was exercised by the President in virtue of a grant from Congress, when in act that body considered it as derived from the constitution, the words which had been the subject of debate were struck out and in lieu thereof a clause was inserted in a provision concerning the Chief Clerk of the Department, which declared that "whenever the said principal officer shall be *removed* from office by the President of the United States, or in any other case of vacancy," the Chief Clerk should, during such vacancy, have charge of the papers of the office. This change having been made for the express purpose of declaring the sense of congress, that the President derived the power of removal from the constitution, the act as it passed has always been considered as a full expression of the sense of the Legislature on this important part of the American Constitution.

Here then we have the concurrent authority of President Washington, of the Senate, and the House of Representatives, numbers of whom had taken an active part in the convention which framed the constitution, and in the State conventions, which adopted it, that the President derived an unqualified power of removal from that instrument itself, which is "beyond the reach of Legislative authority." Upon this principle the Government has now been steadily administered for about forty-five years, during which there have been numerous removals made by the President or by his direction, embracing every grade of Executive officers, from the Heads of Departments to the messengers of Bureaus.

The Treasury Department, in the discussions of 1789, was considered on the same footing with the other Executive Departments, and in the act establishing it, the precise words were incorporated indicative of the sense of Congress, that the President derives his power to remove the Secretary, from the constitution, which appear in the act establishing the Department of Foreign Affairs. An assistant Secretary of the Treasury was created, and it was provided that he should take charge of the books and papers of the Department, "whenever the Secretary shall be *removed* from office by the President of the United States." The Secretary of the Treasury being appointed by the President, and being considered as constitutionally removable by him, it appears never to have occurred to any one in the Congress of 1789, or since, until very recently, that he was other than an Executive officer, the mere instrument of the Chief Magistrate in the execution of the laws, subject, like all other Heads of Departments, to his supervision and control. No such idea as an officer of the Congress can be found in the constitution, or appears to have suggested itself to those who organized the Government. There are officers of each House, the appointment of which is authorized by the consitution, but all officers referred to in that instrument, as coming within the appointing power of the President, whether established thereby or created by law, are "Officers of the United States." No joint power of appointment is given to the two Houses of Congress, nor is there any accountability to them as one body: but as soon as any office is created by law, of whatever name or character, the appointment of the person or persons to fill it, devolves by the constitution upon the President, with the advice and consent of the Senate, unless it be an inferior office, and the appointment be vested by the law itself "in the President alone, in the courts of law, or in the Heads of Departments."

But at the time of the organization of the Treasury Department, an incident occurred which distinctly evinces the unanimous concurrence of the first Congress in the principle that the Treasury Department is wholly Executive in its character and responsibilities. A motion was made to strike out the provisions of the bill making it the duty of the Secretary "to digest and retort plans for the improvement and management of the revenue, and for the support of public credit," on the ground that it would give the Executive Department of the Government too much influence and power in Congress. The motion was not opposed on the ground that the Secretary was the officer of Congress and responsible to that body, which would have been conclusive, if admitted, but on other grounds which conceded his Executive character throughout. The whole discussion evinces an unanimous concurrence in the principle, that the Secretary of the Treasury is wholly an Executive officer, and the struggle of the minority was to restrict his power as such. From that time down to the present, the Secretary of the Treasury, the Treasurer, Register, Comptrollers, Auditors, and Clerks, who fill the offices of that Department, have, in the practice of the Government, been considered and treated as on the same footing with corresponding grades of officers in all the other Executive Departments.

(To be Concluded in our next.)

OXFORD DEMOCRAT.

PARIS, MAY 6, 1834.

THE subscriber having purchased the interest of OCTAVIUS KING in this paper, it will hereafter be conducted by him as sole proprietor. While on his part he promises an anxious endeavor to make the paper deserving of the support and encouragement of the people of this county, he trusts that his exertions will be aided by the public, and more especially by the Democratic party for the maintenance of whose principles it was established. The character and political principles of the paper will remain unchanged.

All persons indebted for Advertising or for the paper are informed that payment is to be made to the subscriber to whom the accounts have been transferred.

GEORGE W. MILLETT.

Paris, May 6, 1834.

WE have devoted so large a portion of our paper to the President's Protest, and to the remainder of the laws of the last Session of the Legislature that we have little room left for any thing else. The remainder of the protest will be given in our next. We ask the attention of our readers to this document, which is well worthy of an attentive perusal. The opposition at first censured it as an appeal to the people, but fearful of the influence it might have with them they have selected detached passages, and then denounced the conclusions which they themselves had drawn from them. By falsehood and misrepresentation they have sought to render this protest odious to the people. If it taught the doctrines the opposition attribute to it, it would be repudiated by us and by the democratic party. We ask all to read and judge for themselves and we no fears as to the conclusion which any honest and unprejudiced mind will draw from it. Were it indeed what the opposition represent it, they would be most anxious to lay it before the people, whereas in truth, most of their papers conceal it from their readers.

THE federalists appear to be much delighted with the new name which they have assumed, but the change must be a much deeper one which deceives the people as to their principles and purposes. It is not the name of federalist merely which the people have rejected, but it is the principles of the party to which it belongs, and while these remain unchanged no assumption of a name will restore that party to public favor. They are not democrats, and it matters not what title they may assume to distinguish them from the friends of democracy. Not content however with choosing a new name for themselves, they are anxious to bestow one of their cast off ones upon us. We ask no such favor at their hands. We are not ashamed of the name of democrats and trust that we shall never be guilty of such conduct as will digrace it. It is amusing to hear Daniel Webster called a whig and Andrew Jackson a tory. If this appellation is just then Madison and Jefferson must be called tories, for no one will pretend that they belong to the same party with Mr. Webster.

FOR THE DEMOCRAT.

The slang whanging Editors tell us a truth
That all true Jacksonians wear collars, forsooth.
Come tell us, ye yelpers and answer us soon
Are *your* collars inscribed with *Clay* or Calhoun?
Or have the *fusilities* played you a prank
And collared your necks with a badge of the Bank?
Go, hide your false faces, nor let it be told
That you've barter'd your conscience for silver and gold.
Go, purchase a mirror wherein you may view
Your slander on others, reflected on you.
A collar of hemp, for the traitor and knave,
A collar of shame, for the Bank purchased slave,
Now speak to the people and tell if you dare
The disgrace *you've* earned by the collars *you* wear.

From the Augusta Age.

Washington, April 23, 1834.

Excitement is the order of the day. On Thursday last the President addressed a message to the Senate protesting against the conduct of that body in undertaking to accuse him of a violation of the Constitution. As this paper has been published and will be in the hands of every one, it is needless to give a summary of it. The opposition pretend to think that it will not be approved of by the people; but it may be doubted whether this is their real belief. If it were, they would hardly seem so exasperated by it as they are. If the truth could be known, we should find that they are fearful of the effect of this document upon the people.—They recollect how triumphantly the President has been heretofore sustained, and they anticipate that this paper will find the same favor with the people which has been bestowed upon all others emanating from the same source.

This message has put aside all other business in the Senate and an effort was made to provoke a discussion upon it in the House of Representatives, but it was promptly met and put down. The House was engaged on Thursday of last week in the consideration of the general appropriation bill. Friday and Saturday as usual were devoted to the consideration of private bills. On Monday, which is the day for the presentation of memorials, a proposition for a new Bank, founded on a memorial from Gardiner in your State and offered by Mr Evans, was considered and laid upon the table by a large majority. Those who have affected to believe that there was a majority of the House in favor of a Bank though opposed to the present Bank of the United States, must now be convinced that their calculation was erroneous. On Tuesday the general appropriation bill was again considered in committee of the whole, and the House did not adjourn until a protracted session of nearly nine hours. It was hoped that the opposition had grown weary of interposing obstacles in the way of the usual and necessary business of the session, and that by sitting until a late hour to-day and to-morrow, the bill might pass the committee and be brot' into the House. But the hope was entirely delusive. This morning Mr. John Q. Adams objected to the manner in which the proceedings of yesterday were recited in the House and moved two amendments. A debate of nearly six hours was the consequence, which was finally terminated by laying both amendments on the table. The journal will therefore remain as it was when read to the House; but the opposition have gained their object of wasting another day in an idle, useless fruitless, debate.

Yesterday in the course of a debate in the early part of the session upon the subject of appointing a committee to investigate the concerns of the banks in the District of Columbia, Mr. Harding undertook to call in question the solvency of the Bank of the Metropolis in this city, which is the Bank in which the public moneys are deposited. A more wanton charge could not be made, as is evident from the following statement which is extracted from the weekly return of that Bank to the Secretary of the Treasury, dated April 21st. The notes in circulation on that day were $88,047. The specie in the vaults of the Bank amounted to $172, 870—being nearly two dollars in specie for every dollar of notes in circulation. But misrepresentation is the constant source of the opposition, and it is too manifest to be denied, that they will stick at nothing in order to carry their points.

From the Saco Democrat.

The Baltimore Republican state that Messrs Webster and Binney arrived in that city on Sunday week, and addressed the populace in the public streets, in favor of the United States Bank! Mr. Binney, it is said, was very violent in his remarks. He complained of certain measures, which he said "*must* be put down, peaceably if we can, forcibly if we must"—and if this could not be done by lawful means, it must be done by means of the *sword!*—A proper busines this for the Attorneys of the Bank on the Sabbath day!—No wonder that they lay claim to *all* the propriety in the land. Mr. Webster attempted to apologise for the part he took in this prostitution of the Sabbath to political purposes, by telling the Senate that he was advised to it by a member of the Presbyterian church, who thought there was no harm in it! Who can wonder that there should be mobs and riots, when honorable Senators and Representatives, so far forget themselves, and the dignity of their stations, as to violate a day set apart for religious worship and instruction, in making violent and inflammatory harrangues to the passions and prejudices of the people, for the purpose of enlisting them on the side of the Bank, and in opposition to Jackson and his administration? It is nothing new or strange that such a course should be pursued on the floor of Congress—for it has been going on there some months. Yet we are inclined to believe that it is not on the whole a bad move. It may save the Senate from a repetition of some of the disgraceful scenes which have of late been so frequently witnessed in that body.

Mr. Preston, the South Carolina Nullifier, addressed his fellow laborers, the Wigs of Baltimore, on Saturday. He advised them to imitate the example of South Carolina, and of course to adopt its mad, and treasonable policy. And it would seem that they intend to follow his advice, for, after hearing the additional counse of Messrs. Webster and Binney on the ensuing Sunday, we find in the Baltimore papers of Monday, a notice commencing as follows:—

"BALTIMORE WHIGS.—The members of the *Military Association* to be called the 'Baltimore Whigs,' are requested to meet," &c.

So they go—and what we shall have next time only will disclose. If the *Wigs* only get so as to take up arms, we shall have a terrible time.

READ THE PROTEST.

Citizens of America, read the defence of the President against the high charges preferred against him, and then judge whether he be innocent or guilty; read it, and then say if you are willing to sustain the Senate in assuming *all* the powers of government—in trampling upon the rights of your Representatives, and of your President. Well may the Senate and its partizans assail the Representative branch of the Government, for by it their venality will be exposed. The investigations of the Bank Committee will exhibit to the world the glaring corruptions of this great sink of iniquity—they will *reach the Senate*, and unless their labors are stopped by civil commotion, the country will know who has been the knave and who the honest man. Rather than this should take place, the Nullifying Whigs would prefer civil war and a separation of the States, for they know that the Bank investigation will ruin them if suffered to go on, and that a dissolution of the Union may save their reputations and place the three leaders of the opposition at the head of the three different sections of the country. To affect this, they are urging the Senate on to such injustice, intolerance, and violation of law and the rights of the other branches of the government as will lead, they hope, to an open rupture;—when this is accomplished, then the sound for disunion will be heard, and our happy country fall a victim to the machinations of a triumverate of disappointed politicians, unless the people be aroused to a sense of their danger, in season to save themselves and their institutions from destruction.—[Boston Post.

Gen. Todd has dissolved his connection with the Eastern Argus, and transferred his interest in the same to Mr. Charles Holden. We deeply regret the loss of Gen. T. from the editorial ranks, for he has long been a worthy and faithful laborer in the service of the people. But in Mr. Holden the cause of democracy will have an able advocate. We cheerfully welcome him to the editorial ranks, and bid him God-speed in his new vocation.

[Saco Dem.

A Per severing Dun. "I have a story to tell you of Lord Bath. He owed a tradesman eight hundred pounds, and would never pay him; the man determined to persecute him till he did, and one morning followed him to Lord Winchelsea's, sent up word that he wanted to speak with him. Lord Bath came down and said, 'Fellow what do you want with me?'—'My money,' said the man bawling as loud as he could, before all the servants. He bade him call next morning—and then would not see him. The next Sunday the man followed him to church, and got into the next pew; he leaned over and said, 'my money, give me my money.' My Lord went to the end of the pew; the man too—'Give me my money.' The sermon was on avarice, and the text, 'cursed are they that heap up riches.' The man groaned out 'O Lord!' and pointed to my Lord Bath. In short he persisted so much, and drew the eyes of all the congregation, that my Lord Bath went out and paid him directly. I assure you this is a fact." [Walpole's Correspondence.

Sale of Real Estate. A valuable lot of land containing nearly 6000 feet with the buildings &c. thereon, situated on Mount Vernon and Walnut streets, belonging to the estate of the late John Callender, Esq. sold on Saturday for $15,000.

The house and land adjoining, belonging to the same estate, consisting of a modern built, four story brick house, and 2600 feet of land sold for $10,800.

A sale was made on Friday of the only remaining lot on Beacon street, to one of our highly respectable fellow citizens, measuring 30 feet on said street, and containing about 4-500 superficial square feet for the sum of $23,-500.—*Cent.*

The loss by the late fire at Bangor is said not to be so great as was at first anticipated. It is estimated not to exceed $15,000, one third of which was insured. The loss of Messrs. French, the owners of the Exchange Hotel was about $2,500—of Col. Hayes, the landlord, by injury done to furniture in its removal, about $10 or 1200. [Saco Dem.

The accounts from Virginia are cheering. The Richmond Enquirer of the 22d instant, remarks—"The friends of the administration have lost but 2 votes—Carolina by mismanagement, and Kanawha—and they gained 11 votes (counting Nottoway,) in the Legislature—making 18 clear votes in 46 counties.' The Senate of Virginia consists of 32 members, chosen for five years—the seats of one fourth vacated annually. The House of Delegates consists of 134, chosen every year.

The Mill Dam Corporation sold by auction on Saturday, several yokes of working oxen, at prices from $69,50 to 84,00. Milch cows were sold at the same time at proportionably high prices. Terms 6 mo. and interest.—Does this look like *distress* and depreciation in prices? We think Farmers will have but one opinion on the subject.—[Bangor Republican.

Trick of a Painter. A capital story is told of Basici, an Italian Artst. He had painted the portrait of a young sprig of nobility, without any previous agreement as to price—and after it was finished, his customer upon learning his terms took himself away, and neither returned nor sent for the protrait. Whereupon the knight of the easel, painted a grate over the portrait, and wrote beneath it, "Imprisoned for debt." An uncle of the young man paid for the painting to liberate his nephew's face from imprisonment.—[N. E. Galaxy.

MARRIED.

In this town, by Josiah Dudley, Esq. Mr. Daniel Perkins, of Woodstock, to Miss Druzilla Fuller, of this town.

In Boston, Tristam Durrell to Susanna Adams.

DIED.

In this town, on Saturday last, a child of Mr. Isaac Harlow.

In Winthrop, Mr. John Wadsworth, a revolutionary pensioner, aged 71; Mr. David Wadsworth, aged 25.

Wanted Immediately,

AS an apprentice to the printing business, a boy of good steady habits from 15 to 18 years of age, to whom good encouragement will be given. Inquire at this Office.

Paris, May 6, 1834.

Notice!

I hereby relinquish to my son SAMUEL BAYLEY, his time, he being nineteen years of age, to trade for himself, and I shall not pay any debts of his contracting, nor clam any of his earnings after this date.

HUDSON BAYLEY.

Hamlin's Gore, April 29, 1834. 3w38

Prints, New Style.

WATERSON, PRAY & CO.

Nos. 71 & 73, *Kilby-st., Boston.*

OFFER for sale by the package or piece, an extensive assortment of Printed Calicoes—comprising more than one hundred and thirty styles—many of which are new and beautiful.—Also an assortment of colored Cambrics; likewise, Printed Quiltings and Brittannia Hdkfs by the case.

Printers of Newspapers in the New England States, who insert the above, with this notice, once a week, for six weeks, inside, shall be paid on presentation of their bills.

March 17. 6wis6

Copartnership Notice.

THE subscribers have formed a connexion in business under the firm of SMITH & BENNETT, and have taken the Store near the Mills, formerly occupied by J. B Smith, where they have for sale on the most reasonable terms for cash, country produce, or credit, a good assortment of W. I. Goods and Groceries, English and American Goods, Hardware, Crockery and Glassware, School Books and Stationery, Paints, Medicines, &c. &c. making in all a *very extensive variety* of seasonable goods. Former customers of the subscribers are respectfully invited to call.

JONATHAN B. SMITH,
ANTHONY BENNETT.

Norway Village, Nov. 16, 1833.

SMITH & BENNETT will carry on the Potash here tofore improved by A. Bennett, and wish to receive ashes in exchange for Goods at their *cash prices.*

Norway-Village, Nov. 22, 1833. tf 15

Wrapping Paper.

SMITH & BENNETT have received on consignment a lot of *good wrapping paper* at 62 1-2 cts. per ream.

Norway-Village, March, 1834. is2m21

Apprentice Wanted.

A young man from 14 to 17 years of age as an Apprentice to the Gun Smith business is wanted immediately; one that can come well recommended, and is willing to be a boy till twenty-one, will meet with good encouragement; none other need apply.

JOTHAM GOODNOW.

Norway, March 20, 1834. tf 32

For Sale,

ONE Single CARDING MACHINE, made by the subscriber and warranted equal to any in use. Terms liberal with good security.

ALSO:—To let a SHOP with WATER POWER sufficient to carry a Carding Machine, or to answer the purpose of a Machinist, Wheel Wright, Cabinet Maker, or other such machinery. Enquire of

ZEBEDEE PERRY.

Norway, March 12, 1834. is8w21

NOTICE.

DR. JOB HOLMES has left his notes for collection at the office of S. EMERY, where they may be settled without cost to the promissors, prior to the first day of May.

Paris, April 7, 1834.

For Sale,

ONE yoke of good *OXEN*, six years old this Spring. Enquire of.

GEORGE KING.

South-Paris, April 7, 1834. is8w34

JOB WORK,
Executed with neatness and despatch at this *OFFICE*

An Act providing for the use of broad rimmed wheels within the towns of Baileyville, Princeton and the Indian Township upon the Houlton and Baring Road.

Sect. 1. Be it enacted by the Senate and House of Representatives in Legislature assembled, That from and after the first day of May next, no person shall be authorized or permitted to haul any load, on the Baring and Houlton road, so called, within either the towns of Baileyville or Princeton, nor within the Indian township, so called, upon any ox cart or ox wagon, drawn by more than one yoke of oxen, unless the felloes of the wheels thereof are at leat six inches wide; nor upon any horse cart or horse wagon, drawn by more than two horses, unless the felloes of the wheels thereof are at least four inches wide.

Sect. 2. Be it further enacted, That if any person shall violate the provisions of this act, he and all other person or persons who shall be directly or indirectly aiding, advising or directing in the violation thereof, shall forfeit and pay Five Dollars for each time he or they shall haul any load in either of said towns or township contrary to the provisions of this act, which forfeitures may be sued for and recovered by any of the Selectmen, Assessors, or town clerk of the town within which such penalty may have been incurred before any Justice of the Peace or court competent to try the same, one half of said penalty to the use of the person suing therefor, the other half to the use of the town within which the forfeiture was incurred. Approved by the Governor, March 12, 1834.

Interesting to the Blind.

STATE OF MAINE.

SECRETARY OF STATE'S OFFICE. }
Augusta, April 15, 1834. }

THE accompanying Resolve appropriating One Thousand Dollars for the support at the New England Institution in Boston, in the Commonwealth of Massachusetts, of such Indigent Blind persons in this State, as may appear proper subjects for education at said institution is published for the information of all interested in the welfare and happiness of that unfortunate class of our fellow beings.

The following are the

RULES AND REGULATIONS.

for the admission of Beneficiaries into the New England Institution for the Education of the Blind.

Candidates for admission must be over six and under twenty-four years of age.

They must produce certificats of incurable blindness, from some respectable physician of regular standing, also their freedom from any epileptic or contagious disorder, or from any physical affliction that would render them unfit inmates with others.

Beneficiaries must produce a certificate from the Selectmen or overseers of the poor of their town, stating that their parents and immediate relatives are unable to defray the expenses of their education.

They must produce a certificate of good moral character from the selectmen or clergyman of their town.

They must be provided with at least six good cotton shirts, two vests, jackets and pantaloons; six pairs of socks or stockings; two pairs of boots and shoes; six pocket handkerchiefs, and two black stocks; all to be in good condition, and the woolens of dark color.

The females must be provided with at least the same quantity of linen; and with three gowns and dresses. The clothing must be renewed from time to time, as may be necessary —by the parents; anything more than common mending will not be done at the expense of the institution.

Each pupil must be provided with a wooden chest, with a lock and key; and of sufficient size to contain all their clothing.

All the articles of clothing must be marked with the name of the owner—*at full length.*

The friends of Persons desirous of availing themselves of the Bounty of the State, are requested to make written application therefor, to the Subscriber, (at his Office,) on or before the 12th of June next,—stating their *Age, Sex Occupation, Abilities, Constitution, Character, How and when they became Blind, and their situation, and that of their near relatives in regard to property.*

By order of the Governor and Council.
ROSCOE G. GREENE, *Sec'y of State.*

STATE OF MAINE.

Resolves for the relief of the Indigent Blind.

Resolved, That the sum of One Thousand Dollars be and is hereby appropriated for the education of indigent Blind, in the State of Maine, to be expended by the Governor with the advice and consent of the Council, at their discretion, in defraying in whole or part, upon application, the expense of placing in the New England Institution in Boston such indigent blind persons, as may appear proper subjects for education at such Institution.

In the House of Representatives, March, 11, 1834. Read and passed.
NATHAN CLIFFORD, *Speaker.*
In Senate, March 11, 1834, Read and passed. JOSEPH WILLIAMSON, *Pres.*
March 11, 1834. Approved.
tf ROBERT P. DUNLAP.

Notice!

THE Subscriber having contracted with the town of Rumford to support Burry Colby, a town pauper, for the current year, hereby forbids all persons harboring or trusting her, on his account, or of said town, as no debts of her contracting will be paid by either the subscriber or the town aforesid.

MERRILL FARNUM.
Rumford, April 25, 1834.

STATE OF MAINE.

Resolve for establishing an Insane Hospital.

RESOLVED, That there be allowed and granted for the purpose of establishing an Insane Hospital in this State, the sum of Twenty Thousand Dollars, to be derived from the proceeds of the sales of the Public Lands, and to be paid out of the Treasury of the State whenever said sum shall be realized and received from said source—said sum to de expended in erecting a suitably building or buildings for an Insane Hospital, in manner hereinafter provided and described, on condition that a like sum of Twenty Thousand Dollars be raised by individual donation, towards erecting and maintaining the same, within twelve months from the passage of an act in reference thereto.

Resolved, That whenever, the foregoing condition shall have been complied with, the Governor with advice of Council be and he hereby is authorized and empowered to purchase a lot of land within the State and procure a good and sufficient title and conveyance thereof to the State, which shall be an eligible site for an Insane Hospital, regard being had in the selection of such site, to the cheapness of labor and materials for the construction of said Hospital, and also to the amount of donations which may be contributed by individuals towards the erecting and establishing the same.

Resolved, That whenever a site shall have been provided as aforesaid, the Governor with advice and consent of the Council shall appoint a board of three Commissioners who shall cause to be erected on said site a Hospital and other buildings suitable for the accommodation of a Superintendant and of one hundred lunatic persons furiously mad, agreeably to a plan of the most recent approved models for such an Institution. And said Commissioners shall have power to make all necessary contracts and to appoint agents to superintend the erection of the same, and who shall report to the Governor and Council a system for the discipline and government of said establishment, as soon as the same shall be completed. And said Commissioners shall lay before the Governor and Council their accounts of expenditures and disbursements for the purpose of their being examined, audited and allowed as in their discretion they may deem just and proper.

Resolved, That the Treasurer of this State be authorized to receive any donations either in money, securities, or any real or other personal estate from any person or persons, which shall be appropriated exclusively to the object aforesaid. And that it shall be the duty of said Treasurer to keep a distinct and separate account thereof to be appropriated as aforesaid under the order and direction of the Governor and Council.

In the House of Representatives, March 8, 1834. Read and passed.
NATHAN CLIFFORD, *Speaker*
In Senate, March 8, 1834. Read and passed.
JOSEPH WILLIAMSON, *President.*
March 8, 1834. Approved.
ROBERT P. DUNLAP.
A true copy. Attest:
ROSCO G. GREENE, *Sec'y of State.*

COLLECTORS NOTICE,::::::::::Peru.

IT is hereby notified to the Proprietors of the Lands hereafter mentioned, in the Town of Peru that the same are taxed in the Bills committed for collection to the undersigned Collector of said Peru, for the years of our Lord 1832 1833, in the respective sums following, viz:

Names of Proprietors.	No. of Lot.	Range.	No. of Acres	Value.	Tax.	Extra Tax.	School Tax.	Deficient Highway tax 1831.
1832.				$ cts				
Thompsons Grant unknown,	6	5	100	75	59			
Unknown,	4	11	100	25	20			
"	7	12	100	25	20			
"	7	13	100	25	20			
"	1	14	100	5	4			
"	4	14	100	5	4			
Peck's Grant north half of	13		50	10	8		6	
1833.				$ cts	cts			
Unknown Thompson Grant,	6	5	100	75	75	15		1,73
"	8	5	10	5	5	1		
John Giben "	12	5	60	30	30	6		,69
Unknown "	8	8	100	25	25			
" "	6	9	100	50	50			1,15
" "	13	9	106	100	1,00	20		
" "	4	10	100	5	5	1		,12
S. F Brown "	5	10	100	37	37	7		
" "	6	10	100	25	25	5		
" "	10	10	100	37	37	7		,85
" "	6	11	100	25	25	5		
" "	7	11	100	25	25	5		,58
" "	4	12	100	25	25	5		
Unknown "	9	10	100	37	37	7		
John Conant "	12	10	100	50	50	10		
Unknown "	4	11	100	25	25	5		
" "	7	12	100	25	25	5		,58
" "	1	13	75	25	25	5		
" "	2	13	100	20	20	4		,46
" "	4	14	100	5	5	1		
Porter "	5	14	100	5	5	1		
Unknown SE. End "	7	7	50	30	20			
" "	16	7	100	75				1,73
" "	16	8	141	151				3,47
" "	5	12						,58
" "	8	12						,92
" "	2	13						,12
" "	4	13						,12

The said collector will proceed according to law to sell at public auction to the highest bidder at the Inn of William Walker in said Peru, at ten of the clock in the forenoon on Tuesday the day 22d of July next, so much of the said lands as shall be sufficient to discharge said taxes and the necessary intervening charges if no person shall appear on or before that time to discharge said taxes and charges. Dated at Peru, the 8th day of April, 1834.

3w36 JEFFERSON HALL, *Collector of Peru.*

STATE OF MAINE.
TREASURER'S OFFICE, }
AUGUSTA, April 7, 1834. }

WHEREAS an Act entitled "An Act respecting the collection of taxes on unimproved land, not taxable by the Assessors of any town or plantation," passed the twenty ninth day of January, A. D. 1822, provides, that whenever a State Tax has been, or shall be lawfully assessed on any township or other tract of unimproved land in this State, not taxable by the Assessors of any town or plantation, the Treasurer of the State shall forthwith advertise the same three weeks successively, in the public newspaper of the printer to the State for the time being, and in one of the newspapers printed in the county where such land lies, if any there be, otherwise in a newspaper in the next adjoining county, if such newspaper there be; therein notifying all persons thus interested in such lands, that unless the amount of said taxes respectively, be paid to the Treasurer aforesaid in six months then next, Warrants will issue from said Treasurer to the Sheriff of the county where such land lies, requiring him to collect all such taxes as may then remain due.

And whereas, An Act entitled "An Act to apportion and assess on the inhabitants of this State a tax of fifty thousand four hundred and ten dollars, 88 cents," passed the eleventh day of March, A D. 1834, provides, that the Townships and other tracts of unimproved land, included and described in the following Schedule, shall be assessed and pay the several sums with which they respectively stand charged.

Therefore, in pursuance of the provisions of said Acts, the proprietors, and all other persons interested in the townships and other tracts of unimproved land, described in said Schedule, are hereby notified, that unless the taxes for the year 1834, assessed as therein charged, are paid into the Treasury of this State within six months next, Warrants will issue according to the provisions of law.

SCHEDULE.

COUNTY OF OXFORD.

Howard's Gore	8 27
No. 5, 2d Range	2 19
Township D. to J. Gardiner	1 44
Township E. to J. Cummings	1 80
No. 1 letter A.	5 94
do 2 do do	5 99
do 2 1st Range	1 55
do 3 1st do	3 09
do 4 3d do	1 84
do 5 3d do	2 00
do 2 2d do	2 94
do 4 4th do	2 42
do 2 2d do	2 82
do 3 3d do	1 84
Letter B.	6 72
Letter C. adjoining B.	1 84
No. 5, 4th Range	2 46
Township No. 7	2 09
Andover Surplus, West	2 46
do do North	1 68
Hamlin's Grant	2 39
Township No. 1	14 67
Chandler's Gore	1 13
Five sixths of No. 3 2d range, owned by Jas. Rangley	10 95
One sixth of do. owned by Jacob A. Townsend	2 19
Township 2	4 70
Part Township 6	1 23
Surplus of C.	1 28
No. 5 1st Range	4 45
do 4 2d do	2 32
North half No. 1 3d range	2 02
South half " 1 4th do	2 42
North half " 1 4th do	2 32
One half " 5 5th do	1 55
One fourth " 5 5th do	81
One twelfth of No. 1 6th do	32
Seven twelfths, No. 1	3 54
North half No. 2 4th Range	1 21
Township " 4 1st do	2 14

MARK HARRIS, *Treasurer.*

To the Hon. County Commissioners, within and for the County of Oxford at their October session, A. D. 1833.

WHEREAS a County road has been located and established at the present term of said Court on the petition of Josiah Black and others, through Andover West Surplus and Holmes, alias Reedsville in said County, places unincorporated, and the same road is unopened and unmade. We therefore pray that a tax may be assessed upon said tracts separately, sufficient to open and make said road through each of said tracts respectively

JOSIAH BLACK, & others, by
STEPHEN EMERY, their Attorney.

STATE OF MAINE.

OXFORD ss.

At a court of County Commissioners begun and holden at Paris, within and for the County of Oxford, on the last Tuesday of October, A. D. 1833.

ON the foregoing Petition, Ordered, That the Petitioners give notice of the same, by publishing a copy of said Petition and of this order thereon, three weeks successively in the Oxford Democrat printed at said Paris, and in the Eastern Argus printed at Portland in the County of Cumberland, the last publication in each of said newspapers, to be at least thirty days before the next term of this Court to be holden at Paris, in and for said county of Oxford on the third Tuesday of June next, that all persons interested may then and there appear and shew cause, if any they have, why the prayer thereof should not be granted.

Attest, R. K. GOODENOW, Clerk.
A true copy of Petition and Order thereon.
Attest, R. K. GOODENOW, Clerk.

BROADCLOTHS & CASSIMERES,
Black, Blue, Browns, Olive, Green and Mixt.
FLANNELS,
White, Yellow, Red and Green, OF ALL QUALITIES.
PLAIDS & CAMLETS,
of every description, CHEAP.
ROSE BLANKETS,
8-4, 9-4, 10-4, 11-4, 12-4, OF GOOD QUALITY.
RUSSIA DIAPERS,
1 bale of 50 pieces, at low prices, by yard or piece.

WANTED,

5000 yards domestic all Wool and Cotton & Wool Flannels. 500 yds. Full'd Cloths.—Also, white, black, red & blue Mixt, Woollen Yarns, for which fair prices will be given, in exchange for Goods.

W. D. LITTLE,
No. 1, Mitchell's Buildings.
Sept. 10, 1833 6m3

SORE AND INFLAMED EYES!

The studious, the weakly, and others, who are troubled with soreness or inflamation of that delicate organ will be able to obtain a most pleasant and invaluable aplication, in *DUMFRIES' EYE WATER.*

This well established wash for the Eye is perfectly innocent, and gives immediate relief, even in very aggravated cases of soreness and inflamation. *Price 25 cents.*

DYSPEPSIA!

Of most obstinate character, after having baffled the skill of the most eminent physicians, and withstood the most highly recommended medical preparation, has been *checked, relieved* and *cured*, in a number of instances in and about the city, by using for a short time Dr. Relfe's *Vegetable specific & Antibilious pills*, in connexion, according to the directions accompanying the specific. It is also one of the medicines known for *Sick headache, Sickness at the Stomach, Nausea* and Flatulences.

No complaint is perhaps more prevalent in this or any country, than headache. It is seldom a primary affection, but arises from a variety of causes such as suppression of customary evacuations, obstructed perspiration &c. It is likewise not unfrequently symptomatic of indigestion, for so great is the sympathy between the brain and stomach, that it is often difficult to determine which is really in fault, & when it arises from a foul state of the stomach, it is generally termed sick headache, which will be speedily relieved by this specific.

A remarkable case is mentioned in Dr Conway's pamphlet, of "A lady of Danvers, who had been afflicted most of the time for 20 years with a sick headache, was cured by a part of a box of this Specific." *price of the Specific and pills 50 cents each.*

White Teeth and Healthy Gums!

Those who would retain, or restore, these personable advantages, are assured that no composition can be obtained superior to the BRITISH ANTISPEPTIC DENTRIFRICE. This is an elegant and pleasant preparation in every respect, and has for many years past, given universal satisfaction wherever it has been used.

The Antispeptic Dentrifrice is exempt from acid and other deleterious ingredients, which too frequently enter the composition of tooth powders in common use, and it whitens enamel of the teeth without doing it the least injury.—The regular use of this admired powder, by purifying the mouth and preventing the accumulation of tartar, operates as the best preventive Tooth Ache. The Dentrifrice removes discolourations, and restores the beautiful native whiteness of the enamel. As its application braces and strengthens the Gums, it secures to them their healthy and florid hue and by removing all offensive foreign accumulations from the teeth, preserves the natural sweetness of the breath. *Price 50 cents.*

☞None are genuine unless signed on the outside printed wrapper, by the *sole proprietor* T. KIDDER, *immediate successor* to the late Dr. W. T. CONWAY. For sale at his Counting Room, over No. 99, Court-St, near Concert Hall, Boston, and also by his special appointment, by Smith and Bennett, Norway Village, who has also for sale all of the justly celebrated medicines prepared by him.

oi5woy Aug. 5.

COLLECTOR'S NOTICE::::::::::Paris.

NOTICE is hereby given to the non-resident owners and proprietor of the lands in the town of Paris, County of Oxford and State of Maine, that the same are taxed in the bills committed for collection to the undersigned Collector of said Paris, for the year 1832, & 1833 in their respective sums following; to wit:

Names of Proprietors	No. of Lots	Range	No. of Acres	Value	Tax	Delinquent Highway Tax of 1831
				$	$ C.	
Brown Jacob, N and S parts	10 11	3	37	296	2,37	
Thayer Isaac East part of	1	4	60	207	1,66	
Stearns James part of	23 24	5	77	316		2,84

Unless said taxes and all necessary intervening charges are paid to me the Subscriber on or before Monday the eighteenth day of August next, so much of said land as will discharge the same will then be sold at public auction, at the Store of Alfred Andrews in said Paris, on said day at one of the clock in the afternoon.

BENJAMIN STEVENS. } Collector of Paris, for the years 1832 and 1833.
Paris, April 22, 1834. 3w37

COLLCTOR'S NOTICE.::::::::::::Jay

NOTICE is hereby given to the nonresident proprietors and owners of the following lots, or part of lots of land in the town of Jay, County of Oxford, and State of Maine, that the same are taxed in the bills committed to the subscriber to collect for 1833, and also, for deficiency of highway tax for the year 1832, in the respective sums following, to wit:—

Names of non-resident Proprietors	No. of Lots	No. of Range	No. of Acres	Value	State, County and Town Tax	Deficiency highway Tax
				$	$	$
Benjamin David west part of	6	4	50	160	1,00	1,10
Prey Otis part of	6	2	5	12	,12	

Unless said Taxes and all necessary intervening charges are paid to the subscriber, on or before Saturday the 26th day of July next, so much of said land will then be sold at public auction at two o'clock in the afternoon of said day at the Store of Aruna Holmes, Esq. in said town as will discharge the same.

JOEL PAINE, Collector of Jay for 1833.
Jay, April 17, 1834 3w36

NOTICE.

THIS is to forbid all persons harbouring or trusting Jane R. w. my wife, on my account, as I shall pay no debts of her contracting after this date.

JOHN ROW.
Paris, April 22 1834. 3w37

GERMAN ELIXIR.

THE discovery of this inestimable *ELIXIR* was the result of ten years close study in order to discover the causes, symptoms, and cure for all those formidable diseases that prey upon the organs of the chest, namely: Consumption, Asthma, Catarr, Colds, and every species of oppression at the chest. In all cases where this Elixir has been duly administered, its astonishing efficacy over every other articl heretolore offered to the public, for the same purpose, has been invariably manifested, convincing the most incredulous, that consumption is NOT INCURABLE, if properly attended to.

How does the German Elixir operate to cure the above complaints? It determines all morbid irritation and inflammation from the lungs towards the surface, and finally expels them from the system by perspiration or otherwise. It facilitates expectoration, and thus frees the patient from a load of tough phlegm, which cannot otherwise be eliminated from the system. It heals the ulcerated surface, and relieves the cough and breathing. It supports the strength, while at the same time it reduces the fever.

☞Several certificates of the efficacy of the Elixir might be given, but it would swell this advertisement to an unusual length, suffice it to say, that in every case w ere it has been used it has fully answered the expectations of the purchaser. The subscribers are the only agents for selling it in this county.

SMITH & BENNETT.
Norway Village, Dec. 27, 1833. eow3m20.

PROSPECTUS
OF THE THIRD VOLUME OF THE
KNICKERBOCKER,
OR
New-York Monthly Magazine.
EDITED BY T. FLINT.

THE same improvement which has guided the Publishers of the Knickerbocker in the past volumes, will still be adhered to in their future efforts to gratify the public.

The Knickerbocker has already obtained a name and a success unequalled in the history of Periodical Literature, and though our numerous friends may have praised us perhaps too highly, we can only express our gratitude for their partiality, and our sincere determination not only to realize, but even to succeed, as far as possible the expectation of the public in the new volume.

Permanent arrangements have been made with Mr. FLINT, a gentleman whose literary reputation is well known in every part of the United States, particularly to the people of the West, as the Editor of the *Western Monthly Review*, as well as author of several standard works of *American Literature*, the publishers of the Knickerbocker now present to their friends and patrons as the Editor of their Magazine, the columns of which will be filled with the results of his pen, as well as regular contributions from other distinguished American Writers.

Paulding, Bryant, S. L. Knapp, Timothy Flint, James Hall, Dunlap, John Neal, T. S. Fay, Mrs. Sigourney, Miss Gould, The Author of 'A Year in Spain,' The Author of 'the King's Secret,' the Author of 'Westward Ho!' the author of 'Sayings and Doings,' the author of 'Martin Gaber,' the author of the 'Oreantian Tales,' the author of the 'Comic Annual,' the author of 'Rosinee Laval,' the author of 'Oran, the Outcast,' the author of 'Fashionable Satires,' the author of 'Legends of the West,' the author of 'the N. Y. Gazetteer,'

And many other authors and writers are known to have contributed to the *past* volumes, and for the *future* we hope to present to our our Patrons an article or articles from each of the foregoing, as well as from the pens of

Halleck, Percival, Channing, Cooper, Francis Herbert, Miss Sedgwick, Miss Leslie, Pierpont, Sprague, Willis G. Clark.

And from others whose occasional writings, although popular, have not hitherto been so favorably known to the Public, yet whose talents deserve a place in such a work as the *Knickerbocker*. Add to this the mechanical department in its *improved state*, and the KNICKERBOCKER will *rival* any Foreign Magazine.

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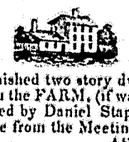
To Let



A large well finished two story dwelling HOUSE, together with the FARM, (if wanted.) Said Farm was formerly owned by Daniel Staples on the County road about one mile from the Meeting House.

Enquire of ASA ROBINSON.
Paris-Hill, April 22, 1834. 3w36

Sheriff's Sale.

OXFORD, ss:

TAKEN on execution and will be sold at public auction at the Store of Ezra T. Russell of Bethel in said County on Saturday the 10th day of May next, at two of the clock in the afternoon all the right which Moses Bisbee of said Bethel, Blacksmith, has to redeem the right in equity of redemption resulting from a mortgage given by the said Bisbee to the said Russell of the lot of land numbered thirteen in the eighth range of lots in said Bethel.

AARON CROSS, Deputy Sheriff.
Bethel, March 20, 1834. 3w34

Notice!

THE subscriber, having given bonds for the maintenance of Joseph Robbins and wife, Paupers of the town of Turner, hereby forbid all persons harboring or trusting them, as he has made suitable provisions for their support. SAMUEL HARLOW.
Turner, April, 1, 1834. 3w34

BLANKS FOR SALE, by
ISAAC HARLOW.

Oxford Democrat....Extra.

LAWS OF MAINE.

BY AUTHORITY.

In the year of our Lord one thousand eight hundred and thirty-four.

An Act additional to "An Act regulating Judicial Process and proceedings."

Section 1. Be it enacted by the Senate and House of Representatives, in Legislature assembled, That no action shall be hereafter maintained to recover damages for an escape of any debtor, committed on execution, except a special action on the case.

Section 2. Be it further enacted, That no action shall be maintained for such escape unless commenced within one year from the time the cause of action accrued. Approved by the Governor, January 21st, 1834.

An Act to prohibit Minors from the practice of Law.

Be it enacted by the Senate and House of Representatives, in Legislature assembled, That no person under twenty one years of age shall hereafter be admitted by any Court in this State to practice law therein. Approved by the Governor, January 31, 1834.

An Act additional to "An act regulating Judicial Process and Proceedings.

Sec. 1. Be it enacted by the Senate and House of Representatives, in Legislature assembled, That whenever any suit shall hereafter be instituted for the recovery of any debt, and the defendant in said suit shall be summoned, as the trustee of said plaintiff, said action shall stand continued to await the disclosure of said trustee; and in case said defendant shall be adjudged trustee, such adjudication may be given in evidence in the trial of the action, between the trustee and his creditor, in the suit aforesaid; and if the amount disclosed by said trustee shall be equal to the sum recovered in said action; the trustee shall not be liable for any cost which shall accrue subsequent to the interposition of said adjudication.

Sec. 2. Be it further enacted, That whenever any suit shall hereafter be instituted for the recovery of any debt, and the defendant in said action shall be summoned as the trustee of said plaintiff, the intervention of said trustee process, shall not prevent the plaintiff from the recovery of his costs in his said action against his debtor except as is provided in and by the first section of this Act.

Sec. 3. Be it further enacted, That this Act shall take effect from and after the passage of the same.—Approved by the Governor, January 31, 1834.

An Act in addition to "an act for the prevention of damage by fire, and the safe keeping of Gunpowder.

Be it enacted by the Senate and House of Representatives, in Legislature assembled, That if any person or persons shall carry on the business of manufacturing Gunpowder, or of mixing or grinding the composition therefor, in any building, situated within the distance of eighty rods from any dwelling house, store, mill or other valuable building, erected at the time when such business may be commenced as aforesaid, the building in which any such business shall be carried on as aforesaid, shall be deemed and taken to be a public nuisance, and may be in all respects, dealt with or abated as such. And all the powder manufactured therein, and the materials collected for such manufacture, and all the tools, apparatus and machinery, used or prepared to be used, in any such manufacture, shall be forfeited, and may be recovered in the manner and to the uses specified in "an act prescribing the mode of recovering forfeitures of personal property, liable thereto by law." Provided, That this act shall not extend to the prejudice, injury or forfeiture of any building, tools, apparatus or machinery heretofore, or now actually in use for any such manufacture as aforesaid, nor of any powder or materials therefor, manufactured or collected at any building which has been or now is in use for such manufacture. Approved by the Governor February 1, 1834.

An Act to prevent and punish injuries to Booms and Rafts.

Sec. 1. Be it enacted by the Senate and House of Representatives, in Legislature assembled, That every person, who shall wilfully or maliciously without the consent of the owner, cut away or otherwise injure or destroy any boom or rafts of logs or lumber of any description fastened to any place of which he is not the owner, nor has the possession or right of possession thereof, on conviction in the Supreme Judicial Court, or Court of Common Pleas, shall be punished by fine, not exceeding five hundred dollars, or by imprisonment in the common goal of the county wherein he may be convicted not exceeding one year at the discretion of the Court. And the person so offending shall also be liable to the party injured in a sum equal to twice the amount of the injury then occasioned, in an action of trespass.

Sec 2. Be it further enacted, that this act shall go into operation and take effect, as soon as it shall be approved by the Governor. Approved by the Governor, February 6, 1834.

An Act to repeal an additional act to provide for the packing and inspection of pickled and smoked fish.

Be it enacted by the Senate and House of Representatives in Legislature assembled, That the act additional to an act to provide for the packing and inspecting pickled or smoked fish passed February twenty first one thousand eight hundred and thirty three, so far as it respects smoked alewives, be and the same hereby is repealed. Approved by the Governor, February 12, 1834.

An act in addition to an act, regulating Judicial Process.

Be it enacted by the Senate and House of Representatives, in Legislature assembled, That whenever any civil process shall have been served, returnable before any Justice of the Peace within this State, and at the time appointed for the trial, said Justice, by reason of sickness or other cause, shall be unable to attend, at the place appointed for the holding of the Court, any Justice of the Peace, for the same county, who could legally try a cause between the parties, may, at the time and place of trial, continue such cause to some time, when, in his opinion, the Justice of the Peace who signed the writ will be able to attend; Provided always that the same pleas may be pleaded and the same proceedings had after continuance of said cause as above provided, as if said cause had not been continued. And provided also, that said cause shall not be continued by such Justice more than once, nor for a longer period of time than thirty days. And such Justice, at the time of such continuance, shall enter on the files the reasons therefor under his official signature. Approved by the Governor, February 15, 1834.

An Act additional to an Act for the prevention of damage by fire, and the safe keeping of gunpowder.

Section 1. Be it enacted by the Senate and House of Representatives in Legislature assembled, That it shall not be lawful for any person or persons to sell any gunpowder, which may at any time, be within the village of Hallowell, in any quantity, by wholesale or retail, without having first obtained from the Selectmen of the Town of said Hallowell, a license to sell Gunpowder, and every such license shall be written or printed, and signed by said Selectmen, or a major part of them, upon which shall be written or printed a copy of the Rules and Regulations, established relative to keeping, selling and transporting Gunpowder within the said Village of Hallowell—and every such license shall be in force for one year, from the date thereof, unless annulled by the Selectmen, and no longer—but such license may, prior to its expiration, be renewed by an endorsement thereon by the said Selectmen, for the further term of one year, and so from year to year—provided always that the Selectmen may rescind and annul any such license, if in their opinion, the person or persons licensed have disobeyed the law, or infringed any rule or regulation established by the Selectmen.

Section 2 Be it further enacted, that every person who shall receive a license to sell Gunpowder as aforesaid, shall pay for the same in the Treasury of the said town of Hallowell, the sum of two dollars and every person not having a license received shall pay to said Treasurer, the sum of one dollar. And any person or persons, licensed to keep and sell Gunpowder as aforesaid, shall place and constantly keep in a conspicuous place over or at the side of the front door of the building, in which powder is kept for sale, a sign, on which shall be inscribed, in plain, legible letters, the words following—viz Licensed to keep and sell Gunpowder.

Section 3. Be it further enacted, that the Selectmen of the town of Hallowell are hereby authorized to make and establish Rules and Regulations, from time, to time, relative to the times and places, at which gunpowder may be brought to, or carried from said town, by land or water, and the time and manner in which the same may be transported through said town, and prescribe the kind of carriage, boat or other vehicle, in which the same may be brought to, transported through, or carried from said town. Provided however, that said Rules and Regulations shall not be applied to any person or persons, excepting the inhabitants of the town of Hallowell, until personal notice shall have been given of the existence of said Rules and Regulations,

Sect 4. Be it further enacted, That if any gunpowder shall be kept contrary to the provisions of this Act, or contrary to the terms and conditions of any such license, or to any Rules and Regulations established, or to be established, by the Selectmen of the said town of Hallowell, every person so offending, shall forfeit and pay for each and every such offence the sum of five dollars, to be recovered by complaint or action of debt before any Court competent to try the same. And if any gunpowder kept or transported contrary to the provisions aforesaid, shall explode in any shop, store, or dwelling house, or other building, or in any other place in said town, the tenant, occupant or owner of said shop, store, dwelling house, warehouse or other building or place, shall pay a fine not less than fifty nor more than three hundred dollars.

Sect. 5. Be it further enacted, That all fines accruing under the provisions of this Act, shall accrue one moiety to the person who shall prosecute therefor and the other moiety to the use of the town. Approved February 15th, 1834.

An act giving a lien to Ship Carpenters and others on vessels.

Sec 1. Be it enacted by the Senate and House of Representatives, in Legislature assembled, That from and after the passing of this act, all ship carpenters, caulkers, blacksmiths and joiners, or other persons, who shall perform labor or furnish materials, for and on account of any vessel building or standing on the stocks, by virtue of a written or parol agreement, shall have a lien on such vessel, for his or their wages until four days after said vessel is launched, and may secure the same by an attachment on said vessel; which attachment shall have precedence of all other attachments where no such lien exists.

Sec. 2 Be it further enacted, That before said lien shall attach and be in force, such ship carpenter, caulker, blacksmith joiner or other person, shall have a just and legal claim for his or their services performed or materials furnished for said vessel and shall demand payment of the same of the owner, agent or contractor. And in case such ship carpenter, caulker, blacksmith, joiner, or other person, shall demand more than is due to him or them on a full and fair settlement of all demands between him or them and such owner, agent or contractor, then and in that case, such owner, agent or contractor may tender or pay to such ship carpenter, caulker, blacksmith, joiner or other person, the full, fair and just balance due to him or them for his and their labor and services on and for such vessel and fully and absolutely discharge his or their lien thereon.

Sec 3. Be it further enacted, That an act, passed February twelfth eighteen hundred and twenty eight, "giving a lien to ship carpenters and others on vessels" be and the same is hereby repealed. Approved by the Governor, February 19 1834.

An Act for the benefit of aliens and others.

Sec. 1. Be it enacted by the Senate and House of Representatives in Legislature assembled That any person who has purchased real estate during alienage and afterwards become naturalized, shall have power and hereby is entitled to hold the same to him or her, his or her heirs and assigns forever, and also to sell, assign, mortgage or devise the same in any manner that he or she might do, if he or she was a native born citizen.

Sec. 2 Be it further enacted, That any alien who shall have filed in any Court of Record a declaration of his or her intention to become a citizen of the United States, and shall afterwards before the expiration of three years, die, not having been naturalized, if during said three years, he or she shall have become seized and possessed of any real estate the same shall descend to his or her heirs and follow the disposition of his or her settlement in the same manner as if he or she was a native citizen.

Sec. 3. Be it further enacted, That no title or claim of any citizen of this State, who was in actual possession of lands on the first day of January one thousand eight hundred and thirty four, or at any time before shall escheat or be defeated on account of the alienage of any person through or from whom his or her title or claim to such lands may have been devised. Approved by the Governor, February 21, 1834.

An Act Additional regulating Elections.

Sec. 1. Be it enacted by the Senate and House of Representatives, in Legislature assembled, That any town or plantation, whether classed with another for the choice of a Representative to the Legislature or not, the legal voters thereof, when assembled to vote for said Representative, may vote for such Representative on a separate ballot if said town or plantation shall by vote so determine.

Sec. 2. Be it further enacted, That all Acts and parts of Acts inconsistent with the provisions of this Act, be and the same hereby are repealed. Approved by the Governor, February 26, 1834.

An additional Act increasing the salary of the Judge of Probate in the county of Penobscot, and fixing the times and places of holding the Probate Courts in said county.

Section 1. Be it enacted by the Senate and House of Representatives, in Legislature assembled, That the salary of the Judge of Probate for the county of Penobscot, shall be two hundred and seventy five dollars, in lieu of the salary now established by law, commencing on the first day of January, in the year of our Lord one thousand eight hundred and thirty four.

Section 2 Be it further enacted, that the said Judge shall annually hold a court in Exeter, on the first Monday of February and July, and successively in Dover on Tuesdays, in Maxfield on Wednesdays, and in Lincoln on Thursdays of the same week in each of said months, at such places in said towns and at such hours in said days as he shall appoint and establish. Provided however, That the said Judge shall not be required to hold any courts in Bangor during said months; and provided further, that any law or resolve inconsistent with the provisions of this Act, be and the same is hereby repealed Approved February 28, 1834.

An Act to repeal certain sections of "An Act to regulate the Herring Fishery."

Be it enacted by the Senate and House of Representatives in Legislature assembled, That the first, second, third and fifth sections of an Act, entitled "An Act to regulate the Herring Fishery," be, and the same are hereby repealed. Approved March 4, 1834.

An additional Act to provide for the packing and inspection of Pickled and Smoked Fish.

Section 1. Be it enacted by the Senate and House of Representatives in Legislature assembled, That from and after the passing of this act, it shall be the duty of the inspector or inspectors of salmon, mackerel, shad, and all other kinds of split pickled fish, or fish for barrelling to see that they are well struck with salt or pickle in the first instance and preserved sweet, free from rust, taint or damage; and such fish as are in good order, and are of good quality shall be packed in tierces, barrels or half barrels—the tierces shall contain three hundred pounds, the barrels shall contain two hundred pounds, and the half barrels one hundred pounds of fish each; and the same shall be packed with thirty five pounds of good clean coarse salt, suitable for the purpose to each barrel—and said casks after being packed and headed up with the fish and sufficient salt to preserve the same, shall be filled up with a clear strong pickle, and shall be branded salmon, mackerel, shad, (or as the case may be) those of the best quality caught in the right season, to be most approved, and free from damage, shall be branded No. 1. Those which remain, after the best have been selected being sweet and free from taint, rust, or damage, shall be branded No. 2, and there shall be a third quality, which shall consist of the thinnest and poorest of those that are sweet and wholesome, which shall be branded No. 3. And the inspector shall also brand in plain legible letters on the head of each and every cask in which merchantable fish or whole fish are packed or repacked and inspected, the weight and initials of his christian name with his surname at large—the name of the town for which he is appointed, and the word Me annexed, to wit, with the initials of the month, and the year in figures. And the owner or all packed and branded as aforesaid, when so required by the inspector, himself to put on or among the initials of his christian and the name of the town, for the purpose of being put and branded upon the casks containing such fish, with the said owner's name as aforesaid. And each cask shall be filled with fish of one and the same kind—and if any person shall intermix, take out or shift any inspected fish which are packed and branded as aforesaid or put in other fish for sale or exportation, contrary to the true intent and meaning of this act, he or they shall forfeit and pay fifteen dollars for each and every package so altered. Provided however, if any casualty shall render it necessary to repack a cask of inspected fish, it may in all cases be done by an inspector of such fish. And if any person shall sell or export or cause to be sold or exported within or from this State, any tainted or damaged fish, he shall forfeit and pay ten dollars for every hundred weight, that shall be thus sold or exported.

Section 2. Be it further enacted, That all smoked herrings, shall be divided, and sorted by the inspector, and denominated according to their quality No. 1 and No. 2. Number one shall consist of all the largest and best cured fish, of not less than eight inches long—number two of the smaller but well cured fish of not less than seven inches long, and in all cases the following shall be taken out as refuse: all those which are belly broken, tainted, scorched or burnt, slack salted or not sufficiently smoked. And each box of herrings so inspected, shall be branded on the top by the inspecting officer with the first letter of the christian name, and the sirname at length of the inspector who inspected the same—and in like manner the name of the owner thereof, with the name of the town where it was inspected, with the addition of No. and also with the quality of number one and number two; and that it shall be the duty of the inspectors, in inspecting what are known and called by the name of Magdalen Herrings, being all such as are distinguished from what are called shore herring—to inspect, mark and brand them as Magdalen Herring, so that they may be easily distinguished from the other kind. Provided always, That nothing contained in this section shall be considered as altering or affecting any of the provisions of an Act, passed January twenty ninth, eighteen hundred and twenty two, "Providing for the packing and inspection of pickled and smoked fish."

Section 3. Be it further enacted, That the fourth and seventh sections of an act, passed March twenty second, eighteen hundred and twenty one, to provide for the packing and inspection of pickled and smoked fish, be, and the same are hereby repealed. Approved March 4, 1834.

An additional Act establishing a Supreme Judicial Court within this State.

Section 1. Be it enacted by the Senate and House of Representatives, in Legislature assembled, That from and after the passing of this Act, the term of the Supreme Judicial Court which by law is now established, to be annually held in the County of Waldo on the seventh Tuesday next after the third Tuesday of May, is hereby constituted a law term, and to be held exclusively for the trial and decisions of questions of law and equity—At which term the attendance of the Grand and Traverse Jurors shall be dispensed with—And all causes either civil or criminal for trial by Jury now pending in said Court, or which may be pending, at the next July term thereof, shall be continued without cost, have day in, and be tried at the term of said Court to be holden then next following on the second Tuesday of December annually as is hereinafter provided.

Sect. 2. Be it further enacted, That in addition to the term of the Supreme Judicial Court as now by law established to be holden within and for the County of Waldo there shall be one other term for the trial by Jury of all civil and criminal causes, in said County, to be holden at Belfast, on the second Tuesday of December annually by one or more of the Justices of said Court, and the usual number of Grand and Traverse Jurors shall be summoned to attend in like manner as is by law provided in similar cases; when and where all civil and criminal causes ready for trial shall be acted upon and tried, Approved by the Governor, March 5, 1834.

An Act additional to "An Act regulating Divorces."

Sec. 1. Be it enacted by the Senate and House of Representatives, in Legislature assembled, That the Supreme Judicial Court shall have exclusive jurisdiction in all cases of divorce, and when the libelee shall be duly served with process, and he or she shall not appear, in person, or by attorney, his or her default shall be recorded, and the Court may proceed to decree a divorce, as they are now authorized by law to do; but in case the libelee being duly and legally served with process, as aforesaid, shall appear in person, or by his or her attorney, and shall tender an issue to the Country, the same shall be joined by the libellant, and the Court shall thereupon order a trial of the issue thus joined, by a jury at the bar of said Court.

Sec. 2. Be it further enacted, That in all cases where one party has been or shall be divorced from the bonds of matrimony the Court granting the same, may upon application therefor, grant the other party a like divorce, on such terms and conditions as the said Court in the exercise of a sound discretion may judge reasonable.

Sec. 3. Be it further enacted, That so much of the second section of act approved February the nineteenth one thousand eight hundred and twenty-one, as relates to marriage where either of the parties shall have a former wife or husband living at the time of such marriage, and so much of the second section of an act approved February the twenty-eighth, one thousand eight hundred and twenty-one, as relates to the person who is the guilty cause of divorce, as are inconsistent with the provisions of this act, be and the same are hereby repealed. Approved by the Governor, March 5, 1834.

An Act relative to Principal Factors and Agents.

Sec. 1. Be it enacted by the Senate and House of Representatives in Legislature assembled, That every person in whose name any merchandise shall be shipped, shall be deemed the true owner thereof so far as to entitle the consignee of such merchandise to a lien thereon, for any money advanced or negotiable security given, by such consignee, to and for the use of the person in whose name such shipment shall have been made—and for any money or negotiable security received by the person in whose name such shipment shall have been made, to or for the use of any such consignee.

Sec. 2. Be it further enacted, That every factor or other agent entrusted with the possession of any bill of lading, custom-house permit, or warehouse keeper's receipt, for the delivery of any such merchandise, and every such factor or agent not having the documentary evidence of title, who shall be entrusted with the possession of any merchandise for the purpose of sale, or as security for any advances to be made or obtained thereon, shall be deemed to be the true owner thereof, so far as to give validity to any contract made by such agent with any other person, for the sale or disposition of the whole or any part of such merchandise, any money advanced, or negotiable instrument or any other obligation in writing given by such person upon the faith thereof.

Sec. 3. Be it further enacted, That every person who shall accept or take any such merchandise in deposit from such agent as security for any antecedent debt or demand, shall not acquire thereby, or enforce any right or interest in or to such merchandise or document, other than was possessed or might have been enforced, by such agent at the time of such deposit.

Sec. 4. Be it further enacted, That nothing in this act shall be construed to prevent the true owner of any merchandise so deposited, from demanding and receiving the same, upon re-payment of the money advanced, or on restoration of the security given, on the deposits of such merchandise; and upon satisfying such lien as may exist thereon in favor of the agent who may have deposited the same, nor from recovering any balance which may remain in the hands of the person with whom such merchandise shall have been deposited as the produce of the sale thereof, after satisfying the amount justly due to such person by reason of such deposit, and also after satisfying all just expenses arising on such merchandise.

Sec. 5. Be it further enacted, That nothing contained in this Act shall authorize a common carrier, warehouse-keeper, or other person, to whom merchandise or other property may be committed for transportation or storage only, to sell or hypothecate the same. Approved by the Governor, March 7, 1834.

An Act to repeal an Act to encourage the destruction of Crows, approved March sixth, one thousand eight hundred and thirty. Also an Act, entitled "An Act to encourage the destruction of Bears, Wolves, Wild Cats and Loupcerviers," approved February eleventh, one thousand eight hundred and thirty two.

Section 1. Be it enacted by the Senate and House of Representatives in Legislature assembled, That an Act entitled "An Act to encourage the destruction of Crows," approved March sixth, one thousand eight hundred and thirty—Also an Act, entitled "An Act to encourage the destruction of Bears, Wolves, Wild Cats and Loupcerviers," approved February eleventh, one thousand eight hundred and thirty two, be and the same are hereby repealed.

Sect. 2. Be it further enacted, That this Act shall have force and go into effect after the ninth day of April next. Approved March 7, 1834.

An Act altering the time of holding the Court of Common Pleas in Penobscot County.

Section 1. Be it enacted by the Senate and House of Representatives, in Legislature assembled, That a term of the Court of Common Pleas shall be holden at Bangor, in and for the county of Penobscot, on the fourth Tuesday of May, instead of the first Tuesday of June, as is now provided by law; and all matters and things, made returnable to and having day in, said Court on the first Tuesday of June next, shall be returned to, and have day in said court to be holden on the fourth Tuesday of May as is provided in and by this act.

Section 2. Be it further enacted, That this act shall take effect from and after the first day of April next. Approved March 7, 1834.

An Act to organize, govern and discipline the Militia of this State.

Laws of the United States, relating to the Militia, now in force.

Whereas, Congress on the eighth day of May, in the year of our Lord one thousand seven hundred and ninety two, passed the following law, entitled "An Act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States:"

Sect. 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each and every free, able bodied, white male citizen of the respective States, resident therein, who is or shall be of the age of eighteen years, and under the age of forty-five years, (except as is hereinafter excepted,) shall severally and respectively be enrolled in the Militia, by the Captain or Commanding Officer of the Company, within whose bounds such citizen shall reside, and that within twelve months after the passing of this act. And it shall at all times hereafter be the duty of every such Captain or Commanding Officer of a Company, to enrol every such citizen as aforesaid, and also those who shall, from time to time arrive at the age of eighteen years, or being of the age of eighteen years, and under the age of forty-five years, (except as before excepted,) shall come to reside within his bounds, and shall without delay notify every citizen of the said enrolment, by a proper non-commissioned officer of the Company, by whom such notice may be proved. That every citizen so enrolled and notified, shall, within six months thereafter, provide himself with a good musket or firelock, a sufficient bayonet and belt, two spare flints, & a knapsack, a pouch, with a box therein to contain not less than a cartridges, suited to the bore of his musket or firelock, or with a good rifle, knapsack, shot pouch and powder horn, twenty balls suited to the bore of his rifle, and a quarter of a pound of powder; and shall appear so armed and accoutred and provided, when called out to exercise, or into service, except that when called out on company days to exercise only, he may appear without a knapsack. That the Commissioned Officers shall severally be armed with a sword or hanger, an epaulette; and that from and after five years from the passing of this act, all muskets for arming the Militia, as herein required, shall be of bores sufficient for balls of the eighteenth part of a pound. And every citizen so enrolled, and providing himself with the arms, ammunition, and accoutrements required as aforesaid, shall hold the same exempt from all suits, distresses, executions or sales for debt, or for the payment of taxes.

Sect. 2. And be it further enacted, That the Vice-President of the United States, the Officers, Judicial and Executive of the Government of the United States, the Members of both Houses of Congress, and their respective officers; all Custom House Officers, with their Clerks; all Post Officers and Stage Drivers, who are employed in the care and conveyance of the Mail of the Post Office of the United States; all Ferrymen, employed at any ferry on the post road; all Inspectors of Exports; all Pilots; all Mariners actually employed in the sea service of any citizen or merchant, within the United States; and all persons who now are, or may hereafter be exempted by the laws of the respective States, shall be, and are hereby exempted from military duty, notwithstanding their being above the age of eighteen and under the age of forty-five years.

Sec. 3. And be it further enacted, That within one year after the passing of this act, the Militia of the respective States, shall be arranged into Divisions, Brigades, Regiments, Battalions and Companies, as the Legislature of each State shall direct; and each Division, Brigade and Regiment, shall be numbered at the formation thereof, and a record made of such numbers, in the Adjutant General's office, in the State; and when in the field, or in service in the State, each Division, Brigade and Regiment, shall respectively take rank according to their numbers, reckoning the first or lowest number highest in rank. That if the same be convenient, each Brigade shall consist of four Regiments, each Regiment of two Battalions, each Battal on of five Companies, each Company of sixty four Privates. That the said Militia shall be officered by the respective States, as follows: To each Division, one Major General and two Aids-de-Camp, with the rank of Majors: to each Brigade, one Brigadier General, with one Brigade Inspector, to serve also as Brigade Major, with the rank of Majors to each Regiment, one Lieutenant Colonel Commandant; and to each Battalion, one Major; to each Comp ny, one Captain, one Lieutenant, one Ensign, four Sergeants, four Corporals, one Drummer and Fifer, or Bugler. That there shall be a Regimental Staff to consist of one Adjutant, and one Quarter Master, to rank as Lieutenants; one Pay Master, one Surgeon, and one Surgeon's Mate; one Sergeant Major, one Drum Major, and one Fife Major.

Sec. 4. And be it further enacted, That out of the Militia enrolled as herein directed, there shall be formed for each Battalion at least one company of grenadiers, light infantry or riflemen; and that in each Division there shall be at least one company of artillery, and one troop of horse; there shall be to each company of artillery, one Captain, two Lieutenants, four Sergeants, four Corporals, six Gunners, six Bombardiers, one Drummer and one Fifer. The Officers to be armed with a sword or hanger, a fuse, bayonet and belt, with a cartridge box, to contain twelve cartridges; and each private or matross shall furnish himself with all the equipments of a private in the infantry, until proper ordnance and Field Artillery is provided. There shall be to each troop of Horse, one Captain, two Lieutenants, two Cornets, four Sergeants, four Corporals, one Saddler, one Farrier and one Trumpeter. The Commissioned Officers to furnish themselves with good horses, of at least fourteen hands and a half high, and to be armed with a sword and a pair of pistols, the holsters of which to be covered with bear skin caps. Each dragoon to furnish himself with a serviceable horse, at least fourteen hands and a half high, a good saddle, bridle, mail pillion and valise, holsters and a breast plate and crupper, a pair of boots and spurs, a pair of pistols, a sabre and cartouch box, to contain twelve cartridges for pistols. That each company of artillery and troop of horse shall be formed of volunteers from the Brigade, at the discretion of the Commander in Chief of the State, not exceeding one company of each to a Regiment, nor more in number than one eleventh part of the Infantry, and shall be uniformly clothed in regimentals, to be furnished at their own expense; the color and fashion to be determined by the Brigadier commanding the Brigade to which they belong.

Sect. 5. And be it further enacted, That each Battalion and Regiment shall be provided with the State and Regimental Colors, by the Field Officers, and each company with a drum and fife, or bugle horn, by the commissioned Officers of the company, in such manner as the Legislature of the respective States shall direct.

Sect. 6. And be it further enacted, That there shall be an Adjutant General appointed in each State, whose duty it shall be to distribute orders from the Commander in Chief of the State to the several corps; to attend all public reviews when the Commander in Chief of the State shall review the Militia, or any part thereof; to obey all orders from him relative to carrying into execution and perfecting the system of Military Discipline established by this act; to furnish blank forms of different returns that may be required, and to explain the principles on which they should be made; to receive from the several officers of the different corps throughout the States, returns of the Militia under their command, reporting the annual situation of their arms and accoutrements and ammunition, their delinquencies, and every other thing that relates to the general advancement of good order and discipline; all which the several officers of the Divisions, Brigades, Regiments and Battalions, are hereby required to make, in the usual manner, so that the said Adjutant General may be duly furnished therewith; from all which returns he shall make proper abstracts, and lay the same annually before the Commander in Chief of the State.

Sect. 7. And be it further enacted, That all commissioned officers shall take rank according to the date of their commissions and when two of the same grade bear an equal date, then their rank to be determined by lot, to be drawn by them before the Commanding Officer of the Brigade, Regiment, Battalion, Company or detachment.

Sect. 8. And be it further enacted, That if any person, whether officer or soldier, belonging to the militia of any State, and called into the service of the United States, be wounded or disabled while in actual service, he shall be taken care of, and provided for at the public expense.

Sect. 9. And be it further enacted, That it shall be the duty of the Brigade Inspector to attend the Regimental and Battalion meetings of the Militia composing their several Brigades, during the time of their being under arms to inspect their arms, ammunition and accoutrements; superintend their exercises and manœuvres, and introduce the system of military discipline before described, throughout the Brigade, agreeably to law, and such orders as they shall from time to time receive from the Commander in Chief of the State to make returns to the Adjutant General of the State, at least once in every year, of the militia of the Brigade to which he belongs, reporting therein the actual situation of the arms, accoutrements and ammunition of the several corps, and every other thing, which in his judgment, may relate to the government and general advancement of good order and military discipline; and the Adjutant General shall make a return of all the militia of the State to the Commander in Chief of the said State, and a duplicate of the same to the President of the United States. And whereas, sundry corps of Artillery, Cavalry and Infantry, now exist in several of the said States, which, by the laws, customs or usages thereof, have not been incorporated with or subject to the general regulations of the militia:

Sect. 10. And be it further enacted, That such corps retain their accustomed privileges, subject nevertheless to all other duties required by this act in the manner with the other militia.

And whereas, Congress on the second day of March, in the year of our Lord one thousand eight hundred and three, passed the following additional law, entitled,

"An Act in addition to an Act entitled an Act more effectually to provide for the National Defence, by establishing an uniform Militia throughout the United States."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the Adjutant General of the Militia of each State, in addition to the duties which he is by law required to perform in the militia of this State for the term of five years or shall have been superseded, or whose corps or company shall have been disbanded; and who have been honorably discharged, and every person of the religious denominations of Quakers and Shakers who shall on or before the first Monday of April annually, produce a certificate to the commanding officer of the company within whose bounds such Quaker or Shaker resides, which certificate signed by two or more of the elders or overseers, (as the case may be,) and countersigned by the clerk of the society with which such Quaker or Shaker meets for religious worship, shall be in substance as follows:—

"We, the subscribers, of the Society of the people called in the town of in the county of do hereby certify that is a member of our society, and that he frequently and usually attends with said society, for religious worship and conforms to the usages of the same, and we believe is conscientiously scrupulous of bearing arms.

A. B. } Elders or Overseers."
C. D. } [as the case may be.]

E. F. Clerk.

Notwithstanding their being above the age of eighteen and under the age of forty-five years, he, and they are hereby exempted from the performance of military duty, but no other white bodied white male citizen between those ages shall be exempted from military duty except such as are hereinafter excepted.

Sect 2. Be it further enacted, That each of the persons, hereinafter mentioned, may be exempted from the performance of military duty, notwithstanding their being of the age of eighteen years and under the age of forty-five years, viz. all engineers upon the conditions specified in the acts never which they have been, or may hereafter be appointed; all officers, who have held or may hereafter hold commissions in the Army or Navy of the United States, or in the Militia of any of the United States, for the term of five years and have been honorably discharged; and all officers, who have held or may hereafter hold commissions in the Militia of this State for a term less than five years, and have been discharged otherwise than in pursuance of any sentence of a Court Martial; and all staff officers, who shall have ceased to act as such, in consequence of the resignation, promotion or removal of the officers, who appointed them: Provided, That each person so exempted, excepting Engineers, shall pay to the Treasurer of the town or plantation, within which such exempt resides, two dollars annually, and produce his receipt therefor to the commanding officer of the company within the bounds of which he resides, on or before the first day of May, in each year: Provided also, Nothing contained in this section shall be construed to prevent the conditional exempts, therein named, from being called forth to execute the laws of the United States, or of this State, to suppress insurrection and repel invasion.

Sect. 3. It is further enacted, That all persons liable by law to the performance of military duty, who are or may be between the ages of thirty-five and forty-five years be, and they are exempted from all military duty, except that of being detached or called forth to execute the laws of the United States, or of this State, to suppress insurrections and repel invasions, and of keeping themselves constantly furnished with the arms and equipments required by the laws of the United States, and the duty of carrying or sending them on the first Tuesday of May annually, to the place of inspection or view of arms of the company within the bounds of which they may reside and in which they may be enrolled, and the duty of attending the election of company officers. And every non-commissioned officer or private who is permitted to send his arms and equipments for inspection, on the day and in the manner provided in this section, shall neglect so to do, or shall on said day lend or sell them so that they may be inspected as the property of another, shall forfeit two dollars and fifty cents, to be sued for and appropriated according to the provisions of this act.

Sect. 4. Be it further enacted, That the said Treasurers shall severally keep a fair account of all moneys by them received by virtue of this act, subject at all times to the inspection of any of the commanding officers of the company or companies in the towns or plantations, to which they belong; and shall annually, on or before the second Wednesday of January, transmit to the Treasurer of the State, a fair account of all moneys so by them received; and shall within thirty days thereafter pay the amount thereof into the Treasury of this State, and the same shall hereto constitute a fund to be appropriated and disposed of as the Legislature shall, from time to time direct, for the sole purpose of arming, equipping and uniforming the militia.

Sect. 5. Be it further enacted, That all students of any College, Theological Seminary or Academy shall be enrolled and held to do duty only in the towns and plantations, wherein their residence is established according to law.

Sect. 6. Be it further enacted, That the Governor be, and he hereby is authorized and empowered, by and with the advice of the Council, to organize and arrange the militia of this State, conformably to the laws of the United States, and to make such alterations therein, as from time to time may be deemed necessary. And that all applications or petitions for raising companies at large, and for alterations in the arrangement of the militia, shall be made to the Governor, and he, by and with the advice and consent of the Council, is hereby authorized to grant such petitions or applications as to him may appear proper. And all companies raised at large, by voluntary enlistment, may establish by-laws, and regulations, not repugnant to the laws of the State, for perfecting themselves in military knowledge and discipline, in which they may determine what number of company trainings they will have in each year and may establish penalties and forfeitures to enforce the observance thereof to be recovered by action of debt in any court of competent jurisdiction, for assessing and collecting funds, and for any other purposes necessary to the good order and government of such companies, which by-laws and regulations shall be binding on such of the members thereof as subscribe their names to the same.

Sect. 7. Be it further enacted, That the commissioned officers of the militia, named in the aforesaid laws of the United States, shall be chosen and appointed in the manner following:—

The Major Generals to be chosen by the Senate and House of Representatives, each having a negative on the other, and to be commissioned by the Governor.

The Adjutant General and Quarter Master General to be appointed by the Governor, with the advice of Council, with the rank of Brigadier General.

The Division Inspectors to be appointed by the Major Generals of their respective Divisions, with the rank of Lieutenant Colonel.

The Aids-de-Camp of the Major Generals to be appointed by their respective Major Generals, with the rank of Major.

The Division Quarter Masters to be appointed by the Major Generals of their respective Divisions, with the rank of Major.

The Brigadier Generals to be chosen by the written votes of the Field Officers of their respective Brigades.

The Brigade Majors to be appointed by their respective Brigadier Generals, with the rank of Major.

The Aids-de-Camps and Quarter Masters of Brigades to be appointed by the Brigadier Generals of their respective Brigades, with the rank of Captain.

The Field Officers of Regiments and Battalions to be chosen by the written votes of the Captains and Subalterns of their respective Regiments and Battalions.

The Captains and Subalterns of Companies to be elected by the written votes of the members of their respective companies.

The Adjutants, the Quarter Masters, and the Pay Masters of Regiments to be appointed by the Colonels of their respective Regiments, with the rank of Lieutenant.

The Chaplains, the Surgeons, and the Surgeons' Mates, of Regiments to be appointed by the Colonels of their respective Regiments. And the aforenamed officers shall be commissioned by the Governor.

Sect. 8. Be it further enacted, That the said Treasurers shall severally keep a fair account of all moneys by them received by virtue of this act, subject at all times to the inspection of any of the commanding officers of the company or companies in the towns or plantations, to which they belong; and shall annually, on or before the second Wednesday of January, transmit to the Treasurer of the State, a fair account of all moneys so by them received; and shall within thirty days thereafter pay the amount thereof into the Treasury of this State, and the same shall hereto constitute a fund to be appropriated and disposed of as the Legislature shall, from time to time direct, for the sole purpose of arming, equipping and uniforming the militia.

Sect. 9. Be it further enacted, That the Governor be, and he hereby is authorized and empowered, by and with the advice of the Council, to organize and arrange the militia of this State, conformably to the laws of the United States, and to make such alterations therein, as from time to time may be deemed necessary. And that all applications or petitions for raising companies at large, and for alterations in the arrangement of the militia, shall be made to the Governor, and he, by and with the advice and consent of the Council, is hereby authorized to grant such petitions or applications as to him may appear proper. And all companies raised at large, by voluntary enlistment, may establish by-laws, and regulations, not repugnant to the laws of the State, for perfecting themselves in military knowledge and discipline, in which they may determine what number of company trainings they will have in each year and may establish penalties and forfeitures to enforce the observance thereof to be recovered by action of debt in any court of competent jurisdiction, for assessing and collecting funds, and for any other purposes necessary to the good order and government of such companies, which by-laws and regulations shall be binding on such of the members thereof as subscribe their names to the same.

Sect. 10. Be it further enacted, That the commissioned officers of the militia, named in the aforesaid laws of the United States, shall be chosen and appointed in the manner following:—

The Major Generals to be chosen by the Senate and House of Representatives, each having a negative on the other, and to be commissioned by the Governor.

The Adjutant General and Quarter Master General to be appointed by the Governor, with the advice of Council, with the rank of Brigadier General.

The Division Inspectors to be appointed by the Major Generals of their respective Divisions, with the rank of Lieutenant Colonel.

The Aids-de-Camp of the Major Generals to be appointed by their respective Major Generals, with the rank of Major.

The Division Quarter Masters to be appointed by the Major Generals of their respective Divisions, with the rank of Major.

The Brigadier Generals to be chosen by the written votes of the Field Officers of their respective Brigades.

The Brigade Majors to be appointed by their respective Brigadier Generals, with the rank of Major.

The Aids-de-Camps and Quarter Masters of Brigades to be appointed by the Brigadier Gener

A Quarter Master Sergeant to each Battalion of Artillery and Cavalry to be appointed by the commanding officers of their respective Battalions, who shall grant them warrants accordingly.

Sect. 12. Be it further enacted, That each Major General be and he hereby is authorized, and it shall be his duty, from time to time to give all such orders, as may be necessary, for filling by election any vacancy or vacancies of brigadier general, field officer, captain or subaltern, which does now or may hereafter exist within his division. And previous to any such election the electors shall have ten days notice thereof at least, and no election for the choice of brigadier general or field officer shall be valid, until a majority of all the electors qualified by law to vote in such choice, (assuming all the existing vacancies in the offices of such electors,) shall be present at such election; and all returns of elections, or of neglects, or refusals to elect, shall be made to the Commander in Chief, by the Major Generals in whose division such elections shall have been ordered; and in case of neglect or refusal by any company to do duty as prescribed by law, or to elect officers when duly notified and ordered thereto, the Governor shall immediately disband said company, and order the non commissioned officers, musicians and privates thereof to be enrolled in the oldest adjoining standing company, and they shall be held to do therein all the duties required by law. And all commissions shall be transmitted to the Major Generals and be regularly passed down to the persons entitled to receive them. And every person who shall be elected to any office as aforesaid, and shall not within one hour after he shall have been notified of his election, by the officer who presided thereat, (excepting in case of the choice of Major General, who shall be allowed thirty days after he shall be notified by the Secretary of this State,) signify his acceptance thereof, shall be considered as declining to serve, & orders shall be forthwith issued for a new choice. And the commission of every officer shall designate the division, brigade, regiment or battalion, and the corps in which he shall be commissioned, and all officers shall take rank from their day of their elections or appointments respectively, which shall be designated in their commissions. And whenever an officer is transferred from one corps or station to another in the same grade the day of the date of his original appointment or election shall be expressed in his new commission, and that day be considered the date of his commission. And when an officer shall by any casualty lose his commission a oath his making an affidavit thereof, before any Justice of the Peace, for the county in which he resides, and on filing such affidavit in the office of the Adjutant General, he shall be entitled to receive a new commission of the same tenor and date as the one so lost as aforesaid. And all officers when on duty shall take rank by the dates of their commissions as above defined. And when two or more officers of the same grade are on duty together, and their commissions bear an equal date, and former promotions of same commission do not decide them their relative rank with each other shall be determined by lot, to be drawn by them before the commanding officer present, and when on court martial before the president thereof.

Sect. 11. Be it further enacted, That every officer, duly commissioned in pursuance of the provisions of this act, shall, before he enters upon the discharge of the duties of his office, take and subscribe the oaths required by the constitution, before some Judge of the Peace, or before some superior field or general officer, or staff officer of the rank of field officer, who has previously taken & subscribed them himself. And on the back of every military commission the following form of certificate of qualification shall be printed.

"STATE OF MAINE.

This may certify, that —— ——, commissioned as within, on this —— day of ——, A. D. 18—, personally appeared and took and subscribed the oaths required by the constitution of this State to qualify him to discharge the duties of his office before me, —— ——, ——."

Sect. 12. Be it further enacted, That to every company there shall be a clerk, who shall be one of the sergeants, and he shall be appointed by the captain or commanding officer of the company, and on the back of his warrant as sergeant, the captain or commanding officer of the company, shall in writing certify, that he does thereby appoint him to be clerk of the company. And before such clerk enters upon the duties of his clerkship, he shall be sworn to the faithful discharge of his duty, by taking the following oath before the captain or commanding officer of the company to which he belongs, who is hereby authorized to administer the same viz.

"I, A. B. do solemnly swear, that I will faithfully and impartially perform all the duties incumbent on me, as clerk of the company to which I belong according to the best of my abilities and understanding. So help me God."

And the captain or commanding officer of the company shall at the time of his administering said oath, certify on the back of the warrant of the sergeant appointed to be clerk, that he was duly qualified, by taking the oath required by law. And it shall be the duty of the clerk to keep a fair and exact roll of the company, together with the state of the arms and equipments, belonging to each man, which roll he shall annually revise, on the first Tuesday of May, and correct the same from time to time as the state of, and alterations in, the company may require; to register all orders and proceedings of the company, in the orderly book; to keep exact details of all drafts and detachments; to assist the commanding officer of the company in the enrolment thereof, and also in enrolling of all such persons without partiality or favor, liable to any military duty, coming to live within his company bounds, as he may from time to time be informed thereof; to distribute all company orders and notifications, which he may be required to do; to examine the equipments of the men, when ordered; to note all delinquencies, to sue for and recover all fines and forfeitures, which are required by this act to be sued for, and recovered by him; to keep accounts in the orderly book of all fines and forfeitures, and all other moneys, collected by him, with the persons' names, of whom they were collected, and of the times when, and for what offence, neglect, default, or deficiency; which book shall not be alienated from the company, and shall always be open to the inspection of any officer of the company.

Sect. 13. Be it further enacted, That the officers of the militia (chaplains excepted,) while on duty, shall wear a uniform dress, to consist of a blue cloth coat, and other articles of dress of such color and fashion and with such equipments as shall be prescribed by the commander in chief, except where the same is regulated by the laws of the United States.

Sect. 14. Be it further enacted, That every officer, non-commissioned officer and private, shall hold his uniform exempted from all suits, distresses, executions or sales for debt, or the payment of taxes. And no officer, non-commissioned officer nor private shall be arrested on any civil process, during his going unto, returning from, or his performance of military duty; nor during his going unto, remaining at, or returning from any place, at which he may be ordered to meet for the election of any officer or officers. And no officer shall be arrested on any civil process while going unto, serving upon, or returning from any court martial, court of inquiry, or board of officers, upon which it may be the duty of such officer to attend.

Sect. 15. Be it further enacted, That every officer, non-commissioned officer and private of infantry, light infantry, cavalry, artillery, grenadiers and riflemen shall constantly keep himself furnished and provided with arms and equipments required by the laws of the United States before recited, except such private as shall not be able so to provide himself. And no private shall be considered unable to provide himself with the arms and equipments required as aforesaid, unless he shall produce, after the first day of April, and before the first Tuesday in May annually, to the commanding officer of the company to which he belongs, a certificate of such inability from the overseers of the poor, of the town or district where he resides. And the commanding officer of the company to which such private belongs, shall forthwith lay such certificate before the selectmen of the town or district where such private resides. And it shall be the duty of such selectmen, forthwith, at the expense of their respective towns or districts, to provide for every such private, the arms and equipments required as aforesaid, and they shall deposit the same in some safe and convenient place, and shall permit the commanding officer of the company to which such private, unable to provide himself, as aforesaid, belongs, to deliver such arms and equipments to such private, whenever his company shall be ordered out for any military duty. And the said commanding officer shall be responsible for the safe return of such arms and equipments to the place of deposit. And if any town shall neglect to furnish arms and equipments to such privates as are unable, as aforesaid, to equip themselves, such town shall forfeit and pay not less than twenty dollars, nor more than fifty dollars, to be recovered by indictment, to the use of the State.

Sect. 16. Be it further enacted, That whenever the office of major general, brigadier general, colonel, lieutenant colonel, major commanding, or of captain, shall be vacant, the officer next in grade and his commission, in the division, brigade, regiment, battalion or company, shall exercise the command, and perform the duties thereof, until the vacancy shall be supplied. And in case of the sickness, absence, or other inability of the clerk of any company, the commanding officer thereof is hereby authorized to appoint a clerk pro tempore, who shall be duly sworn before he enters on the duties of the office; and shall for the time expressed in his appointment or until specially discharged, have all the powers, and be subject to all the duties, and be liable to all the penalties of the clerk, in whose place he is put. And whenever a company shall have either officers, or non-commissioned officers, the commanding officer of the regiment or battalion, to which such company belongs, shall appoint suitable persons within said company to be non commissioned officers of the same, and grant them warrants accordingly, one of which non-commissioned officers he shall appoint clerk, and shall endorse the same out of the non-commissioned officer appointed clerk, and administer the oath to him as required by the commanding officers of companies in the twelfth section of this act, and the senior non commissioned officer of a company, while there are no commissioned officers in office, shall command the same and all the authorities and powers of commanding officer shall be vested in him, until some commissioned officer shall be chosen or appointed and duly qualified himself. Provided however, That when a company do turn out commissioned officers, shall parade with other troops, the commanding officer present shall assign some commissioned officer or officers to such destitute company, to command the same while on parade.

Sect. 17. Be it further enacted, That in each brigade, where there are two, or may hereafter be two companies of artillery, they shall form a battalion, and be entitled to a Major, an Adjutant and a Quarter Master, that in each brigade, where there are two companies of artillery, they shall form a battalion, and that in each brigade, where there are one, or may hereafter be, four companies of artillery, they shall form a regiment of two battalions and be entitled to a colonel, lieutenant colonel, and major. Provided however, That the Governor with advice and consent of Council, may organize in each battalion of infantry, with a battalion staff, where the local situation of the troops is such that they cannot be conveniently connected in a regiment. And where by the division of any corps, a new division or brigade shall be so formed as to leave but three companies of any regiment of cavalry or artillery, or where by the disbanding of any company, such regiment of cavalry or artillery shall be reduced to three companies, such three Companies shall still constitute a regiment, and all the officers of regt shall retain their command and rank, the same as though said corps had not been reduced. And each company of artillery shall be provided by the Quarter Master General with two gun or brass field pieces, of such calibre as the Commander in Chief may direct, with carriages and apparatus complete; an ammunit cart, forty round shot, and forty rounds of cannister shot; also tumbrils, harness, implements, laboratory, and ordnance stores, which may from time to time be necessary for their complete equipment for the field. And the Commander in Chief shall order to be issued, to each company of artillery, annually, a quantity of powder not exceeding forty pounds, which shall be expended on days of inspection or review, and in experimental gunnery. And the commanding officer of every company of artillery shall be accountable for the careful preservation of the pieces, and all the apparatus aforesaid, appertaining to their equipment, and for the proper expenditure of the ammunition supplied by the government. And the commanding officer of every company of artillery shall lay before the committee on accounts for allowances, his accounts of money actually expended in providing horses to draw the field pieces and tumbril of his company. Provided however, no allowances shall be made, unless such company is ordered to appear at a battalion, regimental, brigade or division inspection or review, or unless such company is ordered on duty by the Commander in Chief. And each commanding officer of a company of artillery is hereby authorized to enlist three drivers, who, when enlisted, shall be exempted from other military duty, except that of keeping the harnesses & apparatus of the carriages, belonging to the company, in good order.

Sect. 18. Be it further enacted, That where there are now, or may hereafter be, two companies of cavalry in a brigade, they shall form a battalion, and be entitled to a major, an adjutant, and a quarter master. And in those brigades, where there are now, or may hereafter be, three companies of cavalry, they shall still form a battalion; and in each brigade, where there are now, or may hereafter be, four companies of cavalry, they shall form a regiment of two battalions, and be entitled to a colonel, lieutenant colonel and major. And if any non-commissioned officer or private of any company of cavalry shall be destitute of a suitable horse and furniture for more than two months at one time, it shall be the duty of the commanding officer of the company immediately to apply to the brigadier general of the brigade, who may discharge such non-commissioned officer or private from such company and cause him to be enrolled in the standing company, within whose bounds he resides, and if he be a non-commissioned officer, he shall be considered as reduced to the ranks. And when any draft or detachment shall be made from any company of cavalry for actual service, the men drafted or detached shall march with their own horses, and before they march, if there be time, the horses shall be appraised by three impartial men, to be appointed by the commanding officer of the brigade, to which the company belongs, from which the draft or detachment is ordered.

Sect. 19. Be it further enacted, That no company of cavalry, artillery, light infantry, grenadiers, or riflemen, shall be raised at large when any of the standing companies shall thereby be reduced to a less number than forty effective privates, exclusive of commissioned exempts and two musicians, and including corporals and if any officer of cavalry, artillery, light infantry, grenadiers, or riflemen, shall enlist any man, is hereby to a standing company, or residing within the bounds thereof, for the purpose of forming or recruiting his company, when by means thereof such standing company would be reduced to a less number than forty effective privates borne on the company roll, exclusive of those between the ages of thirty-five and forty-five years, such enlistment shall be void. And whenever any person shall enlist into any company of cavalry, artillery, light infantry, grenadiers or riflemen, the commanding officer of the company, into which such person may enlist, shall give notice thereof, in writing, to the commanding officer of the standing company, in which such person is liable to do duty, within five days from the time of such enlistment, and state in such notice, the date of enlistment, otherwise the same shall be void, although the standing company should not thereby be reduced to a less number than forty effective privates. And if any company, raised at large, shall be reduced as aforesaid, any member thereof, except a sergeant, who shall within three months, then next ensuing, be discharged, and the men which belonged to such delinquent company shall be enrolled in the standing company within the bounds of which they respectively reside. And all companies, raised at large, and not annexed to any particular regiment, shall be subject to the orders of the commanding officer of the brigade in which they have been raised, & shall make their elections of officers in the same manner as other companies; but shall make their returns of elections to the commanding officer of the brigade. And at all parades of regiments, the companies commanded by the two senior captains shall act as light infantry companies, except where companies of light infantry, grenadiers or riflemen, have been or may be hereafter raised and annexed to the regiment.

Sect. 20. Be it further enacted, That each colonel or commanding officer of a regiment, be and he hereby is authorized to raise by voluntary enlistment, within his own regiment, or any adjoining regiment, with the written consent of the commanding officer of such regiment, and organize and establish within his regiment a band of music not to exceed twenty musicians, including one master and one deputy master, and the colonel [or] commanding officer shall grant the musicians, deputy master, and master of such band, warrants as such.

And each band shall be under the direction of the commanding officer of the regiment in which it is organized.

And it shall be the duty of the master and deputy master to teach, lead and command such band, and to issue all such orders as they may be, by their colonel or commanding officer, authorized to do for those purposes.

And each master, deputy master and musician shall constantly keep himself provided with the uniform of the band to which he belongs, which uniform is to be prescribed by the same manner as the uniform of the regiment to which the band belongs—and shall also keep himself constantly provided with such instrument or instruments, as may be directed by the commanding officer of the regiment.

And the bands belonging to the regiments shall also be under the brigadier general or the commanding officer of the brigade (the senior master present, having the direction of said bands,) whenever the said regiments shall meet in brigade.

And if any master, deputy master or musician shall be guilty of any neglect of duty, disobedience of orders, disorderly or other unmilitary conduct, he shall forfeit not less than five nor more than twenty dollars for each offence, one half thereof to the use of the officer sueing therefor, and the other half to the colonel of the regiment, to which the offender may belong, for the purchase and repair of musical instruments for said band, to be sued for by the adjutant of the regiment, or by the brigade major of the brigade, if assembled in brigade; in an action on the case, before any Justice of the Peace in the county where the offender resides, and on appeal shall be allowed to either party; and such master, deputy master or musician, shall moreover be liable to be removed from the band at the discretion of the colonel or commanding officer of the regiment, within which such band is organized, and shall forthwith be enrolled as a private in the standing company, within the bounds of which he resides.

And each master, deputy master and musician of a band, shall be exempted from all military duty while belonging to the band, excepting such as shall be required of him by the colonel or commanding officer of the regiment, or by the brigadier general or commanding officer of the brigade when the regiments are assembled in brigade.

Sect. 21. Be it further enacted, That every commanding officer of a company shall parade his company on the first Tuesday of May annually, at one of the clock in the afternoon, for the purpose of inspecting, examining, and taking an exact account of all the equipments of the men, and for hearing all delinquencies of appearance and deficiencies of equipment, and for correcting his company roll, in order that a thorough inspection of each company in the State may be made. And it shall be the duty of every commanding officer of a company to parade his company by his own order, on one other day in the afternoon, for company discipline, between said day of inspection and the review herein provided for; and on the two several days of training and inspection to use his best exertions in instructing and perfecting his men in their company exercise and evolutions. And the troops of each division shall also be paraded for review by brigades, regiments or battalions, on some day in the month of September annually. And when by reason of the residence of any part of the troops on any of the islands in this State, it may be deemed expedient by the major general of the division to which such troops belong, they may be reviewed in less bodies than battalions. And whenever the commanding officer of a company shall order out his company for inspection or training, or for any battalion, regimental, brigade or division inspection or review, he shall issue his orders to some one or more of the non-commissioned officers or privates of his company, requiring him or them, to notify the men belonging to his company to appear at the time and place appointed; and it shall be the duty of the non-commissioned officer or officers, private or privates, so ordered as aforesaid, to give notice of the time and place appointed for the parade of said company, to each and every man, he or they shall have been ordered to notify, either verbally, or by delivering to each man in person, or by leaving it at his usual place of abode, a written or printed order. And no notice shall be legal, for any company inspection or training, or for any battalion, regimental, brigade or division inspection or review, unless the same shall be given four days at least previous to the time appointed therefor. Provided always, that in case of invasion, insurrection, or other emergency, any notice, however short, shall be legal and binding. And in all cases the testimony of the clerk, or any other non-commissioned officer or private, who shall have received order s to notify the whole or any part of the men of any company to appear at a time and place appointed for any military duty, shall be conclusive to prove that due notice was given to the party prosecuted, unless such testimony be invalidated by other evidence; and the commission of the captain or commanding officer of any company shall in all cases, be deemed sufficient evidence of the organization of such company. And whenever any company shall be paraded, the commanding officer of such company is hereby authorized verbally to notify the men so paraded, to appear on some future day for company discipline, preceding the day of the annual review, as provided herein, and such notice shall be legal as it respects the men present. Provided, That no private shall be compelled to perform any other military duty in one year, than is herein provided, except in time of war or public danger, and for choice of officers, nor after sunset. But on the approach of any public danger, when in the opinion of the Commander in Chief, any of the exigencies are likely to happen upon which the militia could by the constitution of the United States, be called into actual service, he shall have power in order such other and further training and disciplining the militia, or any part thereof, as he may deem necessary.

Sect. 22. Be it further enacted, that every commanding officer, when on duty, is hereby authorized to ascertain, and fix necessary limits and bounds to his parade, and no road in which people usually travel to be included within which no spectator shall have a right to enter, without liberty from such commanding officer; and in case any person shall intrude within the limits of parade, after being once forbidden, he shall be subject to be confined under guard during the time of the parade, or a shorter time, at the discretion of the commanding officer.

Sect. 23. Be it further enacted, That in all cases of doubt respecting the age of any person intended to be enrolled, the party questioned as to his age shall prove the same to the satisfaction of the enrolling officer; and if any person liable to military duty, upon application to him personally by the commanding officer of the company within the bounds of which such person resides, or upon application by any person acting under such commanding officer, shall either refuse to give his name, or not give his name truly, every such person, so offending, shall forfeit twelve dollars to be sued for by the clerk of the company in an action on the case before any Justice of the Peace of the county where such offender resides.

Sect. 24. Be it further enacted, That when any non-commissioned officer or private in any company, shall receive orders from the commanding officer of such company to notify and warn such company, or any part thereof, to meet for the purpose of choosing any officer or officers, it shall be the duty of such non-commissioned officer or private to give every person he is so ordered to warn, verbal notice, or to leave him a written or printed notification at his usual place of abode, specifying the time, place and purpose of said meeting; and no election of a company officer shall be valid in future, unless a majority of the voters of the company are present at the election.

Sect. 25. Be it further enacted, That each and every commanding officer of any company is hereby empowered to enlist, as musicians for his company and within the bounds of the same, not exceeding two drummers and two fifers, or one fifer and one bugler, for and during the term of seven years, unless sooner discharged by removal to such distance from the said company, as to render it inconvenient for said musician to perform the duties required of him, or by reason of some other good and legal excuse. And any such musician, so enlisted, who after having been duly notified and warned shall refuse to perform his duty as musician at all legal meetings of said company, shall forfeit and pay for every such offence the same sum, as would be forfeited by any non commissioned officer or private for non appearance at any of said meetings; and in case of removal or discharge of any such musician, the said captain or commanding officer may from time to time enlist other musicians to fill such vacancy or vacancies.

Sect. 26. Be it further enacted, That whenever the Governor or Seconnt of any public exigency shall issue his proclamation to that effect; every town and plantation within this State shall provide and depait, and constantly keep provided and deposited in some suitable and convenient place within said town or plantation, one hundred pounds of musket ball, each of the eighteenth part of a pound; one hundred twenty eight flints, suitable for muskets; three copper, iron, or tin camp kettles, for every sixty four soldiers enrolled within said town or plantation, agreeable to the number and degree of the neglect, to be recovered by indictment or information in any court of competent jurisdiction. And it shall be the duty of each quarter master of regiments of infantry to cause every town or plantation within the bounds of his regiment, to be prosecuted as aforesaid, which town or plantation he shall find upon his inspection to be deficient, either in the quality or quantity of military stores, required to be provided as aforesaid, or which he shall find to have neglected to make the provisions, or any part thereof, required as aforesaid. And it shall be the duty of each town treasurer, when such town by virtue of this section shall make any expenditure, to make out an account of such expenditures, verified by his oath, and the same to present to the Legislature of this State, who shall examine and allow such sum as shall appear to be properly vouched and expended.

Sect. 27. Be it further enacted, That the captain or commanding officer of each company, shall cause the clerk of his company to make a return of the state of his company on the day of the annual inspection, to the commanding officer of his regiment or battalion, on or before the first day of June annually; and the commanding officer of each regiment or battalion, shall cause his adjutant to record an abstract of the returns made to him, in a book to be kept for that purpose, and to transmit a copy thereof to the commanding officer of the brigade, on or before the first day of August annually; and the commanding officer of each brigade shall cause his brigade inspector to transmit the brigade returns to the office of the adjutant general; who to transmit abstracts thereof to the major general and to the division inspector of his division, in the month of October annually; and the major general shall cause the division inspector to transmit an aggregate abstract of such brigade returns to the office of the adjutant general, in the month of November annually. And it shall be the duty of the adjutant general to form, sign and transmit one correct return of all such division returns to the Commander in Chief, and one to the President of the United States, on or before the first day of January annually. And it shall be the duty of the several commanding officers of regiments, brigades and divisions, to cause such abstracts and returns to be made and transmitted within the several times aforesaid, in all cases of absence or inability of the several staff-officers aforesaid, or of vacancy in their offices. And it shall be the duty of each such staff-officer to record the returns by him made, in a book, to be kept for that purpose, & which shall not be alienated from the corps, to which such officers respectively belong. And it shall be the duty of the adjutant general to furnish such officers with proper books, and from time to time, with blanks, containing proper forms of the abstracts and returns aforesaid.

Sect. 28. Be it further enacted, That upon the requisition of any commanding officer of a company for that purpose, at five days notice, the selectmen of towns, and the assessors of plantations, shall pay at the place of inspection and review to each officer and member of such company, belonging to such town or plantation, who shall then and there appear duly equipped and perform military duty, the sum of fifty cents in lieu of rations. And every town or plantation, which shall fail to pay said sums as aforesaid, shall forfeit to the use of said company, a sum equal to fifty cents, for every such person, who shall do duty on such inspection and review, to be sued for and recovered by the clerk of said company, before any court of competent jurisdiction. And the treasurer of each town, city and plantation in this State shall annually present his bill for such sum of money actually paid to the officers and soldiers aforesaid to the Legislature for allowance. And the Treasurer of every town or plantation shall supply at the expense of the State, or cause the commanding officer of each company of infantry, light infantry, cavalry and riflemen, to be supplied with a quarter of a pound of good gun powder made into suitable blank cartridges, for each and every non-commissioned officer and private borne on the company roll of such commanding officer, exclusive of conditional exempts, whenever such commanding officer's company is ordered to parade for review. And such commanding officer shall make a written application therefor four days previous to such review, and shall return to, or account with said treasurer, for all powder he may receive over and above one quarter of a pound for each man actually on parade at the muster for which said powder was drawn; and the treasurer aforesaid shall annually present his account for the expense of such powder to the Legislature for allowance. Provided, That when the commanding officer of a company raised at large, shall make requisitions to the selectmen of a town, aldermen of a city or the assessors of a plantation, for rations and powder directed by law, they shall designate the number and names of the members of such company, belonging to such town, city or plantation, and certify their performances of militia duty.

Sect. 29. Be it further enacted, That whenever in case of threatened or actual invasion, insurrection, or other public danger or emergency, the militia shall be ordered out, or any part thereof shall be ordered to be detached or drafted by the Commander in Chief, any person who shall be ordered out, detached, or drafted in pursuance of, and obedience to such orders, and being notified thereof and ordered to march to the place of rendezvous, shall neglect or refuse to obey such orders, and shall within twenty four hours, after he shall have been notified as aforesaid, pay a fine of fifty dollars to the commanding officer of the company to which he belongs, or procure an able bodied man in his stead, such person shall be considered as a soldier, belonging to the detachment, and be dealt with accordingly. And all fines paid as aforesaid, shall be appropriated to the hire of men to complete the detachment. And the officers of any detachment, ordered to be made as aforesaid, shall be regularly detailed from the rosters, and the non-commissioned officers and privates by lot from the company rolls. And when any company shall not be organized, the officer commanding the brigade or regiment, shall either by himself or some officer under him proceed to make and complete the detachment from such unorganized company. And whenever the militia or any part thereof, after having been ordered out or detached as aforesaid, shall be ordered to march for the service of this State, each non-commissioned officer and private, so ordered to march, shall provide and take with him three days provisions, unless otherwise ordered. And the selectmen of every town, aldermen of every city and the assessors of every plantation to which the men detached as aforesaid and ordered to march for the service of this State, belong, shall provide and cause carriages to attend them with further supplies and provisions, and also the necessary camp equipages and camp utensils, until relief shall be given them by the commanding officer of the detachment to detail, and the selectmen, aldermen and assessors shall present their accounts for supplies to the Legislature for allowance. And whenever the selectmen of any town, aldermen of any city or assessors of any plantation from which a detachment or part thereof as aforesaid shall march, being notified by the commanding officer of such detachment or part thereof belonging to such town, city or plantation, shall neglect or refuse to furnish the necessary supplies, camp equipages and camp utensils, the town, city or plantation to which the selectmen, aldermen or assessors, neglecting or refusing as aforesaid, belong, shall forfeit not less than two hundred dollars, nor more than five hundred dollars, to be sued for and recovered by any person who may prosecute for the same, to an action on the case, in any court of competent jurisdiction, one moiety to the prosecutor, and the other to the use of the State. And the officer to whom or by whose order any camp equipage or camp utensils, shall be delivered, shall be accountable for the same, unless injured or lost by some accident not in his power to prevent.

Sect. 30. Be it further enacted, That the annual review of the troops of each division, in brigades, regiments, or battalions of regiments, provided for in the twenty first section of this act, shall be at such times in the month of September, as the commanding officer of the divisions may order. And when a brigade review or inspection is ordered, the commanding officer of the brigade shall appoint the place, and give notice thereof to the commanding officer of the division; when a regimental review or inspection is ordered, the commanding officer of the regiment shall appoint the place and give notice thereof to the commanding officer of the brigade; and when a review or inspection of a regimental battalion or part of battalion is ordered, the commanding officer of the regiment shall appoint the place and give notice thereof to the commanding officer of the brigade. And the places to be appointed for reviews or inspections as aforesaid, shall always be as central as, in the judgment of the officer pointing out the place, convenience will admit. And the artillery, cavalry, and other troops raised at large, and not annexed to any particular regiment, shall be reviewed and inspected once in each year, either by themselves, or with the brigades, regiments, or battalions of regiments, as the Commanding officer of the respective divisions may order and direct. Provided, That no officer, non-commissioned officer or private, shall be obliged to travel more than fifteen miles to any brigade review.

Sect. 31. Be it further enacted, That no officer, non-commissioned officer or private shall be holden to perform any military duty on any day (except on days which are or may be specially prescribed by law) on which the Selectmen of the town in which such officer, non-commissioned officer or private resides, shall appoint a meeting for the election of a Representative to the Legislature, nor shall there be any military parade on the day pointed out by the Constitution of this State for the election of Governor and Senators, nor on any day which may be appointed for the choice of Electors of President and Vice President of the United States, or Representatives to Congress. And it shall not be lawful for any officer to parade his men on either of said days, unless in case of invasion made or threatened, or in obedience to the orders of the Commander in Chief, except as is herein before excepted.

Sect. 32. Be it further enacted, That each regiment of infantry and each battalion of cavalry or artillery shall be furnished with the State colors; and each company of infantry, artillery, light infantry, grenadiers and riflemen, shall be furnished with a drum and fife, or bugle horn, and each company of cavalry with a trumpet; and each brigadier general after the first day of August next ensuing, is hereby authorized to draw orders upon the quarter master general, in favor of the commanding officers of regiments, battalions and companies for the above purposes, that the several regiments, battalions and companies may be supplied as aforesaid. And the commanding officers of regiments and battalions shall be responsible for the safe keeping of their colors; and the commanding officers of companies shall be responsible for the safe keeping of the drums, fifes, bugle horns and trumpets, delivered to them for the use of their companies; and it shall be the duty of the quarter master general to furnish such colors and musical instruments, and to present his accounts therefor to the Legislature for allowance. And the Adjutant General shall furnish blank orders for the commanding officers of companies to order their non-commissioned officers and privates to notify their men to attend all the inspections, trainings and reviews, and meetings for the choice of officers, which shall be ordered; also blank notifications or orders, to be left with the men by the non-commissioned officers or privates, ordered to notify as aforesaid; and Clerk's complaints to Justices of the Peace; and it shall not be necessary that seals be affixed to any orders whatever.

Sect. 33. Be it further enacted, That all parents, masters or guardians, shall furnish all minors enrolled in the militia, who shall be under their care respectively, with the arms and equipments, required by this act; and if any parent, master or guardian, having any minor under his care, enrolled as aforesaid, shall neglect to provide such minor with the arms and equipments, required by this act; or if said minor shall absent himself from any meeting of the company, to which he belongs, required by law, without sufficient excuse, the said parent, master or guardian is hereby subjected and made liable to the same forfeitures as such minor would be liable to, for a like deficiency, neglect or non-appearance, if such minor were of age; and all persons liable by this act to do military duty, shall be allowed six months, immediately from and after their arrival at the age of eighteen years, and not afterwards, within which to furnish themselves with the arms and equipments required by law. Provided however, That such parents, masters or guardians as shall produce, on or before the first Tuesday of May annually, certificates from the overseers of the poor of the town or district in which they reside, of their inability to provide arms and equipments as aforesaid to the commanding officer of the company in which the minor under their care is enrolled, shall be exempted from the forfeitures aforesaid.

Sect. 34. Be it further enacted, That no non commissioned officer or private of any company shall be exempted from military duty on account of bodily infirmity, unless he shall obtain from the surgeon or surgeon's mate of the regiment to which he belongs, if either of these officers are conveniently in such regiment, if not, from some respectable physician living within the bounds of the same, a certificate that he is unable to perform military duty on account of bodily infirmity, the nature of which infirmity is to be described in such certificate, and the commanding officer of the company may on the back of such certificate, discharge the non-commissioned officer or private, named therein, from performing military duty, for such a term of time, as he shall judge reasonable, not exceeding one year, which certificate, if approved and countersigned by the commanding officer of the regiment or battalion, to which the disabled non commissioned officer or private belongs, shall entitle him to exemption from military duty for the time specified. And any non-commissioned officer or private, having obtained a certificate as aforesaid, and who may be refused a discharge, may apply to the commanding officer of the regiment for further examination of his case, and if on such examination, the commanding officer of the regiment shall be well satisfied that the bodily infirmity of such non-commissioned officer or private is such that he ought to be discharged, he is hereby authorized to discharge him from military duty for such time as he shall judge reasonable, not exceeding one year, which being certified by the commanding officer of the regiment on the back of the certificate, shall discharge the non-commissioned officer, or private from military duty, for the time specified by the commanding officer of the regiment.

Sect. 35. Be it further enacted, That if any non-commissioned officer or private shall be killed, or die of wounds received when on any military duty required by this act, his widow, child or children, shall receive from the Legislature such relief as shall be just and reasonable. And if any officer, non-commissioned officer, or private, shall be wounded, or otherwise disabled when on such duty, he shall receive from the State just and reasonable relief.

COURTS MARTIAL.

Sect. 36. Be it further enacted, That all Courts Martial shall consist of three members, to be detailed by the Commander in Chief from the Division to which the officer to be tried belongs. The senior of said officers to be the President. To every such court there shall be a marshal and orderly officer, appointed by the President. One of the members of each Court shall be designated in the order under which they shall act, as the President thereof; and in case of his absence at the trial of any cause within their jurisdiction, the senior officer of such Court who shall be present, shall officiate as President pro tempore. And any two members of said Court shall constitute a quorum for the trial of all causes coming before them in the manner hereinafter provided. And any one member of said Court may and it shall be his duty to adjourn the proceedings thereof from time to time, as to him may appear just, in the absence of the other members.

Sect. 37. Be it further enacted, That there shall be appointed and commissioned by the Governor, a Division Advocate for the Militia, of suitable learning in the law, for each Division, with the rank of Major, to continue in office for the term of five years, whose duty it shall be to reduce to proper form the charges and specifications of charges contained in every written complaint which may be lodged with him against any military officer within his Division upon any alleged offence by such officer committed, and cognizable by the Court Martial within his Division; and to transmit the same, when so reduced to form, to the Adjutant General's office, within fifteen days next after the receipt of such complaint, for the consideration of the Commander in Chief. And whenever a Court Martial is ordered by the Commander in Chief, for the trial of any officer on charges and specifications preferred against him, the Division Advocate for such Division shall prosecute the same; and in all such cases the Division Advocate shall be furnished by the Adjutant General, forty days at least before the time of trial, with a copy of the General Order convening the Court, and of the charges and specifications preferred, and cause the respondent to be served with a copy of each twenty days at least before the day of trial. And it shall further be the duty of the Division Advocate to collect all fines for military offences which shall be adjudged by the Court within his Division, as hereinafter is provided.

Sect. 38. Be it further enacted, That the Courts Martial hereby authorized shall be convened from time to time within their respective Divisions, according to the appointment and order of the Commander in Chief, for the trial of such officers as are by the provisions of this act made amenable to the jurisdiction of said Courts respectively. And all persons summoned to testify, in any cause ordered for trial or pending before either of said Courts, by virtue of a subpœna issued by the Division Advocate, if for the State, or by any Justice of the Peace, if for the respondent, shall be held to obey such subpœna, under the same penalties and liabilities for neglect as are provided in other public prosecutions: And all oaths required of persons testifying in said Courts, may be administered by either member thereof. And depositions may be taken and used in like manner as in cases pending in Courts of Common Law, by consent of the Division Advocate and respondent. And if the respondent shall be found guilty by said Court either upon admission, trial or default, of any charge preferred against him, involving an offence against military law, or the principles of duty and usage attached to his office the court shall sentence him to be reprimanded in orders, and to pay a fine of not less than ten dollars nor exceeding fifty dollars together with part or all the costs of Court, or to either, according to the nature of the offence; or to be removed from office, with or without the payment of such fine and costs, at the discretion of the court, and in addition thereto, if the court think proper, to be disqualified for and incapable of holding any military office under this State for life or for a term of years. And the judgment or sentence of the court, shall, as soon as may be, be certified by the President under the seal of the court to the Commander in Chief, to be promulgated and carried into effect.

Sect. 39. Be it further enacted, That in the Order of the Commander in Chief, promulgating the sentence of any Court Martial as provided in the thirteighth section of this act, if such sentence shall include the payment by any officer of any fine and costs, or either, the Division Advocate of such Division shall be directed to enforce the payment of such fine and costs by an action of debt to be commenced in his own name within thirty days next succeeding such order, unless the same shall be sooner paid to him by such officer. And the court, before whom such action shall be commenced, shall render judgment therein and issue execution accordingly against the property and body of the defendant, for the amount of such fine and costs, including the costs of such action, upon proof that the same has been awarded by the sentence of a Court Martial in the manner provided by this act. And the fine and costs which shall be included in such sentence, shall be paid over by the Division Advocate, when collected, to the Treasurer of the State, for the use of the State.

Sect. 40. Be it further enacted, That at any session of said Court, the President thereof shall appoint a Marshal, whose duty it shall be to preserve order therein; and the President thereof, by advice of either of the associate members, may also appoint a warrant officer to attend upon the same.—And a summary record of the proceedings of each court shall be kept from day to day by the Division Advocate in attendance, under the direction of the court, for which additional service he shall receive such compensation in each case, as the court shall adjudge reasonable, to be made up in the pay roll of the court.

Sect. 41. Be it further enacted, That each member of said courts, and each Division Advocate, shall receive two dollars for each day spent in holding a session of said court, by order of the Commander in Chief, and four cents a mile for travel, each Division Advocate shall also be allowed such fees for reducing such charges and specifications of charges into form, and filing the same in the Adjutant General's office, and for preparing each case for trial, as the respective courts shall deem reasonable, to be made up in the pay-roll of the court. And all witnesses duly summoned and attending any court as aforesaid, shall be allowed one dollar a day, for attendance, and four cents a mile for travel to and from the court; but no witness shall be taxed against the State, until he has certified his travel and attendance, and unless summoned by direction of the Division Advocate. And a pay-roll shall be made up including all of said fees and reasonable expenses, at the close of each session of said courts, by them respectively, and certified by the President and Division Advocate, and filed in the office of the Adjutant General, and the same shall be paid out of the Treasury of the State.

Sect. 42. Be it further enacted, That it shall be the duty of the President of each of said courts to prepare compendious reports of all questions of law arising and adjudged in trials had before them respectively, and of the decisions made thereon, stating in substance so much of the evidence as may be necessary for a correct understanding thereof, and as nearly as may be in conformity with the "Reports of Decisions in the Circuit Courts Martials," prepared and published agreeably to a Resolve of the Legislature of Maine, passed the thirty first day of March, in the year eighteen hundred and thirtyone, and annually in the month of April, deposit such Reports in the office of the Adjutant General, that the same may be published as the Legislature may from time to time determine.

Sect. 43. Be it further enacted, That the Commander in Chief shall have power to appoint any officer to make a summary inquiry into the truth and circumstances of any matter contained in any complaint or allegation against the conduct of any officer or corps of the militia, whose duty it shall be to report the result of such inquiry and investigation to the Commander in Chief, as soon as may be after he shall have completed such investigation, and file his account for such service in the Adjutant General's office, to be presented to the Legislature for allowance and payment.

RULES AND ARTICLES,

Governing the MILITIA *when not in actual service.*

Sect. 44. Be it further enacted, That the following shall be the Rules and Articles, by which the Militia of this State shall be governed when not in actual service.

Article 1. Every commissioned officer who shall be guilty of any unmilitary conduct, neglect of duty, or disobedience of orders, or who shall, when on duty, appear or behave himself in an unofficer-like manner, or who shall wilfully oppress or inj

who shall appear at the company inspection, on the first Tuesday of May, or at any company training, or for any battalion, regimental or brigade inspection or review, and shall not be armed and equipped as the law directs, shall for each article in which he is deficient, or which shall be of bad quality, or in bad condition, forfeit as follows: If deficient of a good musket, in good order, of a bore sufficient for balls of the eighteenth part of a pound, a sufficient bayonet and belt, and an iron or steel ramrod; all of which articles are to be considered as one and a deficiency in either shall be considered a deficiency of the whole, he shall forfeit TWO DOLLARS; if deficient of a cartridge box, capable of containing twentyfour cartridges suited to the bore of his musket, or if deficient of a serviceable knapsack, he shall forfeit SIXTY CENTS; if deficient of two spare flints and priming wire and brush, or either of them, he shall forfeit FORTY CENTS: Provided nevertheless, that none of the above forfeitures shall be incurred by any private, in case he appears with a good rifle, knapsack, shot pouch and powder horn.

Article 30. If any non-commissioned officer or private of any company of artillery, cavalry, light infantry, grenadiers, or riflemen, shall appear on any of the occasions mentioned in the preceding article, without the uniform of the company to which he belongs, he shall forfeit THREE DOLLARS.

Article 31. All excuses for non-appearance of non-commissioned officers and privates, must be made within twenty days of any training, view of arms, or other military duty, to the commanding officers of their respective companies; and on the delinquent's producing, or causing to be produced, satisfactory evidence of his inability to appear, his commanding officer may excuse him; but all commanding officers of companies are hereby forbidden from receiving any excuse, for non-appearance, under any pretence whatever, after the expiration of the twenty days allowed. And any such non-commissioned officer or private, who shall neglect to give or cause to be given, to his commanding officer, such satisfactory evidence of his inability to appear, (Provided he is not prevented therefrom by severe sickness) within the said twenty days, shall forfeit and pay the penalty by law provided for such non-appearance. And all commanding officers of companies shall inform, or cause their clerks to be informed, of all excuses for non-appearances, which they may allow as good and sufficient. And all prosecutions for the recovery of any fine or forfeiture shall be commenced before some Justice of the Peace residing in the county where the company to which such delinquent belongs usually parades, and within forty days from the time when the same accrued, and no clerk shall be compelled to commence a prosecution against any delinquent, who in the opinion of a majority of the commissioned officers of his company, is unable to pay the fine or forfeiture incurred by him.

Article 32. Any non-commissioned officer or private, being a legal voter of a company, who after being duly notified, shall unnecessarily neglect to appear at any meeting for the choice of any officer or officers of the company to which he belongs, shall, for every such neglect, forfeit ONE DOLLAR.

Article 33. All surgeons and surgeons' mates are prohibited from taking any fee or gratuity whatever, under any pretence whatsoever, from any man to whom they may give a certificate of inability to perform military duty on account of bodily infirmity. And it shall be their duty critically to examine the case of any applicant for such certificate, and not to grant a certificate unless the infirmity or disability be such, beyond all doubt, as to render him unable to perform military duty. And if any surgeon or surgeon's mate, shall in violation of this article, take any fee or gratuity, or if any surgeon or physician not commissioned as surgeon or surgeon's mate, shall without good and sufficient cause, grant such certificate in violation of this article, he shall for every such offence, forfeit and pay not less than twenty, nor more than one hundred dollars, to be recovered by indictment in the Court of Common Pleas; one half thereof to the complainant and the other half to the State.

Article 34. The aid-de-camp to each Major General, by him appointed orderly officer; the aid-de-camp of each brigade, and the adjutant of each regiment, battalion, or corps, shall constantly keep a correct roster of the division, brigade, regiment, battalion, or corps, to which they respectively belong; and an orderly book, and record therein all orders and other official communications, received or issued by their respective commanding officers, and copy, distribute, and transmit, all such orders and other papers, as they may be directed by said officers, and attend them while on the performance of military duty.

Article 35. Every sergeant major, quarter master sergeant, drum major, or fife major, who shall be guilty of neglect or disobedience of the orders of the commanding officers of their respective regiments or battalions, shall, for each offence, forfeit not less than five dollars, nor more than twenty dollars, to be recovered by the adjutants of their respective regiments or battalions, on complaint, in the same manner, that fines are recovered by clerks of companies; one half thereof to said adjutant, for his own use, and the other half to be expended by him, under the direction of the field officers, in the repair of the regimental and battalion colors, and of the musical instruments furnished by the State for the use of the companies of his said regiment or battalion, and the purchase of camp colors. And every such non-commissioned officer who shall be guilty of any disobedience of orders, neglect of duty, or other unmilitary conduct, may be reduced to the ranks by their Brigadier General, by and with the advice of the commanding officer of the regiment or battalion to which such non-commissioned officer may belong.

Article 36. These rules and articles shall be read at the head of each company on the first Tuesday of May annually.

Sect. 45. Be it further enacted, That all fines and forfeitures incurred by non-commissioned officers and privates, under the provisions of this act, the recovery of which, and the mode of the recovery of which, are not in and by this act otherwise provided for, shall be prosecuted for and recovered by the respective clerks of the companies to which such non-commissioned officer or officers, private or privates, incurring any fine or forfeiture as aforesaid, belong, in an action of debt, before any court proper to try the same. And such action shall not be commenced till after twenty days, and shall be commenced within forty days, after the day of any parade of the company to which such clerk belongs. And in every case in which it is made the duty of any clerk to prosecute for any fines incurred by virtue of this act, if said clerk shall unreasonably refuse to prosecute for the same, he shall pay a fine of five dollars for each and every such neglect, to be recovered by complaint before any Justice of the Peace for the county in which said clerk resides, for the use of the company. And if there be no clerk to prosecute, as aforesaid, the captain or commanding officer of the company shall prosecute for said fines, for the use of the company, and upon neglect so to do, shall be subjected to trial by a court martial; and if found guilty, shall be removed from office. And it shall be lawful for any clerk or commanding officer in any action or complaint by him commenced or prosecuted for any fine or fines, penalty or penalties by this act provided, to amend his writ or complaint in any stage of the process before the rendition of final judgment therein, without paying costs. And no clerk shall be liable to pay any defendant costs, in any case in which the commanding officer of the company has endorsed his approval on the writ of such clerk. And no appeal shall be allowed from any judgment of a Justice of the Peace, when the forfeiture by him adjudged does not exceed ten dollars, exclusive of costs. Provided however, That all suits or complaints for any fine or fines, penalty or penalties by virtue of this act, (not otherwise provided for,) arising within the city of Portland or any other city hereafter created, shall be had or made before the Municipal court of such city; and in no case when the commanding officer is by virtue of this act required to prosecute for any fine or penalty, shall he be liable to pay any cost to the defendant, provided he should not recover in any such action or suit by him commenced.

Sect. 46. Be it further enacted, That the clerk of each company shall retain to his own use, one fourth part of all fines and forfeitures collected or recovered by him, and the residue he shall faithfully pay over to the commanding officer of the company, on demand; and the commanding officer of the company shall give his receipt to the clerk for all money paid over to him as aforesaid. And it shall be the duty of every commanding officer of a company to expend such part of the money paid him by the clerk as may be necessary for defraying such company expenses, as a majority of the commissioned officers of the company shall judge to be necessary.

Sect. 47. Be it further enacted, That the adjutant general and the quarter master general, shall receive compensation for their services, to be allowed by the Legislature.

Sect. 48. Be it further enacted, That the following shall be the annual allowance to the officers hereinafter named, as a full compensation for all the services they may render in the official discharge of their duties respectively:

To the aid-de-camp acting as orderly officer to the major general of each division, twenty dollars; to the brigade inspector of each brigade, twentyfive dollars; to the aid-de-camp of each brigadier general, twenty dollars; to the adjutant of each regiment, twentyfive dollars; to the adjutant of each battalion of cavalry or artillery, fifteen dollars: Provided, the said officers shall promptly and faithfully perform the duties belonging to them, respectively.

Sect. 49. Be it further enacted, That it shall be incumbent on all officers and non-commissioned officers, whose duties are not herein fully defined, to do and perform all such duties as by law and military principles and usage are attached to their offices, respectively: Provided, such duties shall be required of them by their senior and proper commanding officer.

Sect. 50. Be it further enacted, That the adjutant general is hereby authorized to issue blank forms, to be uniform throughout the State, for the use of the officers of the militia, and for the auditing of military accounts of every description.

Sect. 51. Be it further enacted, That the Commander in Chief is hereby authorized to cause all necessary repairs to be made in all the carriages and apparatus of the artillery, and in all the gun-houses belonging to the State; and also to cause gun-houses to be erected for the safe keeping of the public property as aforesaid, where such have not been erected, good and sufficient deeds of land therefor being first given free of expense to the State. And whenever any or either of the gun-houses, used for the protection and preservation of guns, gun carriages, cumbrils, munitions of war, or any other apparatus provided for the use of the artillery of this State, shall be so far injured or decayed, as that in the opinion of the commanding officer of any division of the militia, in which said gun-houses are situated, it is inexpedient to repair the same, such commanding officer may authorize the captain of the artillery company having the immediate superintendence of the gun-house, thus injured or decayed, to dispose of the same, either at public or private sale, as he may judge most advantageous, and deposit the proceeds thereof in the Treasury of the State for the use thereof.

Sect. 52. Be it further enacted, That every new division shall be designated by the number, next higher than that of the division established next before it, and the divisions shall take rank according to the numbers by which they are severally designated, the first being highest in rank.

RULES AND ARTICLES

For governing the Troops stationed in Forts and Garrisons, within this State; and also the Militia, or any part thereof, when called into actual service.

Sect. 53. Be it further enacted, That the following rules and articles, be, and they hereby are, established, and declared to be in force for governing all troops stationed in forts and garrisons within this State; and also the militia, or any part thereof, when called into actual service, viz:

Article 1. All officers and soldiers shall diligently attend divine service: All officers and soldiers who shall unnecessarily absent themselves from, or behave indecently or irreverently at any place of divine worship, shall, if commissioned officers, be brought before a general Court Martial, there to be publicly and severely reprimanded by the President; if non-commissioned officers or soldiers, every person so offending, shall, for the first offence, forfeit twenty cents, to be deducted out of his next pay; for the second offence, he shall not only forfeit a like sum, but be confined twentyfour hours; and for every like offence, shall suffer and pay in like manner; which money, so forfeited, shall be applied to the use of the sick soldiers of the troop or company to which the offender belongs.

Art. 2. Whatsoever non-commissioned officer or soldier shall use any profane oath or execration, shall incur the penalties expressed in the foregoing article; and if a commissioned officer be thus guilty of profane cursing or swearing, he shall forfeit and pay, for each and every such offence, sixtyseven cents.

Art. 3. Whatsoever officer or soldier shall presume to use traitorous or disrespectful words, against the authority of the United States, in Congress assembled, or the Legislature of this State; if a commissioned officer, he shall be cashiered; if a non-commissioned officer or soldier, he shall suffer such punishment as shall be inflicted upon him by the sentence of a Court Martial.

Art. 4. Any officer or soldier who shall behave himself with contempt or disrespect towards the Commander in Chief, or any general or commanding officer of the troops or militia of this State, or shall speak words tending to his hurt or dishonor, shall be punished according to the nature of his offence, by the judgment of a Court Martial.

Art. 5. Any officer or soldier who shall begin, excite, cause, or join in any mutiny or sedition, in the troop, company or regiment to which he belongs, or in any other troop or company in the service of the State, or in any party, post, detachment or guard, on any pretence whatsoever, shall suffer such punishment as by a Court Martial shall be inflicted.

Art. 6. Any officer, non-commissioned officer or soldier, who, being present at any mutiny or sedition, doth not use his utmost endeavors to suppress the same; or coming to the knowledge of any intended mutiny, doth not without delay give information thereof to his commanding officer, shall be punished by sentence of a Court Martial, according to the nature of his offence.

Art. 7. Any officer or soldier who shall strike his superior officer, or draw or lift up any weapon, or offer any violence against him, being in the execution of his office, on any pretence whatsoever, or shall disobey any lawful commands of his superior officer, shall suffer such punishment as shall, according to the nature of his offence, be inflicted upon him by the sentence of a Court Martial.

Art. 8. Any non-commissioned officer or soldier, who shall desert, or, without leave from his commanding officer, absent himself from the troop or company to which he belongs, or from any detachment of the same, shall, upon conviction thereof, suffer death, or such other punishment as shall be inflicted by the sentence of a general Court Martial.

Art. 9. Whatever officer or soldier shall be convicted of having advised or persuaded any other officer or soldier to desert, shall suffer such punishment as shall be inflicted by the sentence of a Court Martial.

Art. 10. No officer or soldier shall use any reproachful or provoking speeches or gestures to another; nor shall any officer or soldier presume to send a challenge to any person to fight a duel, upon pain, if a commissioned officer, of being cashiered; if a non-commissioned officer or soldier, of suffering punishment, at the discretion of a Court Martial.

Art. 11. If any commissioned, or non-commissioned officer commanding a guard, shall knowingly and willingly suffer any person whatsoever to go forth to fight a duel, he shall be punished as a challenger; and likewise all seconds, promoters and carriers of challenges, in order to duels, shall be deemed as principals, and be punished accordingly.

Art. 12. All officers, of what condition soever, shall have power to part and quell all quarrels, frays and disorders, though the persons concerned should belong to another regiment, troop or company; and either to order officers into arrest, or non-commissioned officers or soldiers to prison, until their proper superior officers shall be acquainted therewith; and whosoever shall refuse to obey such officer, (though of an inferior rank) or shall draw his sword upon him, shall be punished at the discretion of a general Court Martial.

Art. 13. Whatsoever officer or soldier shall upbraid another for refusing a challenge, shall be considered as a challenger, and punished accordingly.

Art 14. Every officer commanding in quarters, garrisons, or on a march, shall keep good order, and to the utmost of his power redress all such abuses of disorders as may be committed by any officer or soldier under his command; and if, upon complaint made to him of officers or soldiers beating or otherwise ill treating any person, or of committing any kind of riots to the disquieting the good citizens of this or either of the United States, he shall refuse or omit to see justice done on the offender or offenders, and reparation made to the party or parties injured, so far as the offenders' pay shall enable him or them, he shall, upon proof, thereof, be punished by a general Court Martial, as if he himself had committed the crimes or disorders complained of.

Art. 15. If any officer shall think himself to be wronged by his Colonel or the commanding officer of his regiment, and shall, upon due application made to him, be refused to be redressed, he may complain to the General or Commander in Chief of the forces in service, in order to obtain justice, who shall examine into the complaint and see that justice be done.

Art. 16. If any inferior officer or soldier shall think himself wronged by his captain, or other officer commanding the troop or company to which he belongs, he may complain thereof to the commanding officer of the regiment, who shall summon a regimental Court Martial, for the doing justice to the complainant; from which regimental Court Martial either party, if he think himself still aggrieved, may appeal to a general Court Martial. But if, upon a second hearing, the appeal shall appear to be vexatious and groundless, the person so appealing shall be punished at the discretion of the said general Court Martial.

Art. 17. Whatsoever non-commissioned officer or soldier shall be convicted at a Court Martial of having sold, or designedly, or through neglect, wasted the ammunition delivered out to him to be employed in the service of this State, shall, if a non-commissioned officer, be reduced to a private, and if a soldier, shall suffer such punishment as shall be inflicted upon him by a Court Martial.

Art. 18. No officer or soldier shall be out of his quarters or camp, without leave from his commanding officer, upon penalty of being punished according to the nature of his offence, by the sentence of a Court Martial.

Art. 19. All non-commissioned officers and soldiers who shall be found one mile from the camp without leave, in writing, from their commanding officer, shall suffer such punishment as shall be inflicted on them by the sentence of a Court Martial.

Art. 20. Every non-commissioned officer and soldier shall retire to his quarters or tent, at the beating of the tattoo, in default of which he shall be punished according to the nature of his offence, by the sentence of a Court Martial.

Art. 21. No officer, non-commissioned officer or soldier shall fail to repair, at the time fixed, to the place of parade or exercise, or other rendezvous, appointed by his commanding officer, if not prevented by sickness or some other evident necessity; nor shall go from the said place of rendezvous or from the guard, without leave from his commanding officer, before he shall be regularly dismissed or relieved, on the penalty of being punished according to the nature of his offence, by the sentence of a Court Martial.

Art. 22. Whatsoever commissioned officer shall be found drunk on his guard, party or other duty, under arms, shall be cashiered for it; and any non-commissioned officer or soldier, so offending, shall suffer such punishment as shall be inflicted by the sentence of a Court Martial.

Art. 23. Whatsoever sentinel shall be found sleeping upon his post, or shall leave it before he shall be regularly relieved, shall suffer such punishment as shall be inflicted by the sentence of a general Court Martial.

Art. 24. Any person belonging to the forces employed in the service of this State, who, by discharging of fire arms, drawing of swords, beating of drums, or by any other means whatsoever, shall occasion false alarms in camp, garrison or quarters, shall suffer such punishment as shall be ordered by the sentence of a general Court Martial.

Art. 25. Any officer or soldier, who shall, without urgent necessity or without the leave of his superior officer, quit his platoon or division, shall be punished according to the nature of his offence, by the sentence of a Court Martial.

Art. 26. No officer or soldier shall do violence or offer any insult or abuse to any person who shall bring provisions or other necessaries to the camp, garrison, or quarters, of the forces of this State, on pain of suffering such punishment as a Court Martial shall direct.

Art. 27. Whatsoever officer or soldier shall abandon any post committed to his charge, or shall speak words inducing others to do the like, in time of an engagement, shall suffer death, or such other punishment as shall be inflicted by the sentence of a general Court Martial

Art. 28. Any person belonging to the forces of the service of this State who shall make known the watch word to any person not entitled to receive it according to the rules and discipline of war, or shall presume to give the parole or watch word different from what he received, shall suffer death, or such other punishment as shall be ordered by the sentence of a general Court Martial.

Art. 29. Whosoever belonging to the forces in the service of this State shall relieve the enemy with money, victuals or ammunition; or shall knowingly harbor and protect an enemy, shall suffer such punishment as by the sentence of a Court Martial shall be inflicted.

Art. 30. Whosoever belonging to the main forces shall be convicted of holding correspondence with, or giving intelligence to the enemy, either directly or indirectly, shall suffer such punishment as by the sentence of a Court Martial shall be inflicted.

Art. 31. All public stores taken from the enemy by the forces in the service of this State, shall be secured for the use of the State.

Art. 32. If any officer or soldier shall leave his post or colors to go in search of plunder, he shall, upon conviction thereof, before a general Court Martial, suffer such punishment as by the sentence of the said Court Martial shall be inflicted.

Art. 33. If any commander of any garrison, fortress, or post shall be compelled, by the officers or soldiers under his command, to give up to the enemy or to abandon it, the commissioned officers, non-commissioned officers or soldiers, who shall be convicted of having so offended, shall suffer death, or such other punishment as shall be inflicted upon them by the sentence of a Court Martial.

Art. 34. All sutlers and retailers to the camp, and all persons serving with the troops of the State in the field, shall be subject to orders according to the rules and discipline of war.

Art. 35. If, upon marches, guards or in quarters, different corps shall happen to join or do duty together, the eldest officer by commission there on duty, or in quarters, shall command the whole, and give out orders for what is needful for the service, regard being always had to the several ranks of those corps, and the posts they usually occupy.

Art. 36. If any regiments, troops or detachments of horse or foot shall happen to march with, or be encamped or quartered with, any bodies or detachments of other troops, the eldest officer, without respect to corps, shall take upon him the command of the whole, and give the necessary orders to the service.

Art. 37. A general Court Martial shall not consist of less than thirteen commissioned officers, and the President of such Court Martial shall not be the Commander in Chief, nor commanding officer of the troops in service or garrison, where the offender shall be tried, nor under the degree of a Field officer.

Art. 38. The members of Courts Martial, shall, when belonging to different corps, take rank as is herein before directed when on other duty.

Art. 39. Some person shall be appointed by the commanding officer, who shall order the Court Martial to prosecute in the name of the State of Maine; and in trials of offenders, such persons shall administer to each member the following oath:

YOU swear, that you will well and truly try and determine, according to your evidence, the matter now before you, between the State of Maine and the prisoner to be tried; that you will duly administer justice according to the rules and articles for governing the troops of the said State, without partiality, favor or affection; and if any doubt shall arise which is not explained by the said articles, according to your conscience, the best of your understanding, and the custom of war in like cases; that you will not divulge the sentence of the Court until it shall be approved of by the commanding officer; and that you will not, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the Court Martial, unless required to give evidence as a witness by a court of justice, in a due course of law. So HELP YOU GOD.

Which oath being administered to the members of the Court, the President shall administer the following oath to the person prosecuting as aforesaid.

YOU A. B. do swear, that you will not, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the Court Martial, unless required to give evidence thereof as a witness, by a court of justice, in a due course of law. So HELP YOU GOD.

Art. 40. All the members of a Court Martial are to behave with calmness and decency; and in the giving their votes, are to begin with the youngest in commission

Art. 41. All persons who give evidence before a Court Martial, shall be examined upon oath, which oath shall be administered by the President of the Court Martial, in the form following:

YOU swear, the evidence you shall give in the cause now in hearing, shall be the truth, the whole truth, and nothing but the truth. So HELP YOU GOD.

Art. 42. No sentence of death shall be given against any offender by any general Court Martial, unless two thirds of the members shall concur therein.

Art. 43. All persons called to give evidence in any cause before a Court Martial, who shall refuse to give evidence, shall be punished for such refusal at the discretion of such Court Martial.

Art. 44. No field officer shall be tried by any person under the degree of a captain; nor shall any proceedings or trials be carried on excepting between the hours of sunrise and sunset.

Art. 45. No sentence of a Court Martial shall be put in execution, until after report shall be made to the commanding officer where the Court Martial shall be held, and his orders to be issued for carrying such sentence into execution.

Art. 46. The commissioned officers in any regiment, may, by the appointment of their colonel or commanding officer, hold regimental Courts Martial for the inquiring into such disputes or criminal matters as may come before them, and for inflicting punishment for small offences, and shall give judgment by the majority of voices; but no sentence shall be executed till the commanding officer (not being a member of the Court Martial) shall have confirmed the same.

Art. 47. No regimental Court Martial shall consist of less than five officers, excepting in cases where that number cannot be conveniently assembled, when three may be sufficient; who shall likewise determine upon the sentence by the majority of voices.

Art. 48. Any officer commanding in a fort, castle, barrack or elsewhere, where the corps under his command consists of detachments from different regiments, or of any independent company or companies, may assemble Courts Martial for the trial of offenders, in the same manner as if they were regimental, whose sentence shall not be executed until it shall be confirmed by the said commanding officer.

Art. 49. No person whatsoever shall use menacing words, signs or gestures in the presence of a Court Martial then sitting, or shall cause any disorder or riot so as to disturb their proceedings, on the penalty of being punished at the discretion of the said Court Martial.

Art. 50. To the end that offenders may be brought to justice, whenever any officer or soldier shall commit a crime deserving punishment, he shall, by his commanding officer, if an officer, be put in arrest; if a non-commissioned officer or soldier, be imprisoned until he shall be either tried by a Court Martial, or shall be lawfully discharged by proper authority.

Art. 51. No officer or soldier who shall be put in arrest or imprisonment, shall continue in his confinement more than eight days, or until such time as a Court Martial can be conveniently assembled.

Art. 52. No officer commanding a guard or provost-martial shall refuse to receive or keep any prisoner committed to his charge by any officer belonging to the forces of this State; which officer shall at the time of commitment, deliver an account, in writing, signed by himself, of the crime with which the prisoner is charged.

Art. 53. No officer commanding a guard or provost-martial, shall presume to release any prisoner committed to his charge without proper authority for so doing, nor shall he suffer any prisoner to escape, on the penalty of being punished for it by the sentence of a Court Martial.

Art. 54. Every officer or provost-martial to whose charge prisoners shall be committed, is hereby required within twentyfour hours after such commitment, or as soon as he shall be released from his guard, to give in writing to the colonel of the regiment to which the prisoner belongs, (where the prisoner is confined upon the guard belonging to the said regiment, and his offence only relates to the neglect of duty in his own corps,) or to the Commander in Chief, their names, their crimes, and the names of the officers who committed them, on the penalty of his being punished for disobedience or neglect, at the discretion of a Court Martial.

Art. 55. If any officer under arrest, shall leave his confinement before he shall be set at liberty by the officer who confined him, or by a superior power, he shall be cashiered for such his offence.

Art. 56. Whatsoever commissioned officer shall be convicted before a general Court Martial of behaving in a scandalous, infamous manner, such as is unbecoming the character of an officer and gentleman, shall be discharged from the service.

Art. 57. All officers, conductors, gunners, matrosses, drivers, or any other person whatsoever receiving pay or hire in the service of the State artillery, shall be governed by the aforesaid rules and articles; and shall be subject to be tried by Courts Martial in like manner with other officers and soldiers.

Art. 58. For differences arising amongst themselves, or in matters relating to their own corps, the Courts Martial may be composed of their own officers; but where a sufficient number cannot be assembled, or in matters wherein their corps are interested, the officers of artillery shall sit in Courts Martial with the officers of other corps.

Art. 59. No person shall be sentenced to suffer death, except in the cases expressly mentioned in the foregoing articles.

Art. 60. The field officers of each and every regiment shall appoint some suitable person belonging to such regiment to receive such fines as may arise within the same for any breach of any of the foregoing articles; and shall direct the same to be properly applied to the relief of such sick or necessitous soldiers as belong to such regiment; and such persons shall account with such officer for all fines received and the application thereof.

Art. 61. All crimes not capital, and all disorders and neglects, which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the foregoing articles, are to be taken cognizance of by a general or regimental Court Martial, according to the nature and degree of the offence, and be punished at their discretion.

Art. 62. Whenever any officer or soldier shall be accused of a capital crime or having used violence or committed any offence against the person or property of the good people of this or either of the United States, such as is punishable by the known laws of the land, the commanding officer or officers of every regiment, troop or party, to which the person or persons so accused shall belong, are hereby required, upon application duly made by or in behalf of the party or parties injured, to use his utmost endeavors to deliver over such accused person or persons to the Civil Magistrate, and likewise to be aiding and assisting the officers of justice in apprehending and securing the person or persons so accused, in order to bring them to trial. And if any commanding officer or officers shall wilfully neglect, or shall refuse, upon the application aforesaid, to deliver over such accused person or persons to the Civil Magistrate, or to be aiding and assisting the officers of justice in apprehending such person or persons, such officer or officers, so offending, shall be cashiered.

Sect. 54. Be it further enacted, That no member of any company of artillery, cavalry, light infantry or riflemen, shall be appointed an engineman, during the time for which he may have enlisted into such company, and when by such appointments any such company would be reduced below fortyeight effective privates.

Sect. 55. Be it further enacted, That an act entitled "An Act to organize, govern and discipline the Militia of this State," passed the twentyfirst day of March, eighteen hundred and twentyone, and all acts in addition thereto, and all acts inconsistent with the provisions of this act, be and hereby are repealed: Provided however, That the present organization of the Militia shall continue until conformed to the provisions of this act, or the Governor by and with the advice of Council, shall otherwise order. And nothing contained in this act shall be construed to repeal or in any way affect the twentysixth section of an act, entitled "An Act providing for the government of the State prison, and for the punishment of convicts," passed the twentyfifth day of February, in the year of our Lord, one thousand eight hundred and twentyfour. Approved by the Governor March 8, 1834.

An Act additional to regulate Banks and Banking.

Section 1. Be it enacted by the Senate and House of Representatives in Legislature assembled, That from and after the first day of October, in the year of our Lord eighteen hundred and thirty five, no bills of the denominations of five dollars or over, impressed from Perkins' Stereotype plate, shall be issued, reissued, or paid out, by any Bank in this State, unless they also bear upon the back of them the impress of the Perkins Stereotype Check Plate. And that from and after the said first day of October, eighteen hundred and thirty five, no bills of a less denomination than Five Dollars, impressed from Perkins' Stereotype Plate, shall be issued, reissued, or paid out by any Bank in this State, unless they bear upon the back of them the impress of the congreve check.

Sect. 2. Be it further enacted, That the third section of an Act passed the fourth day of March, one thousand eight hundred and thirty three, entitled An Act additional to an Act to regulate Banks and Banking, be and the same is hereby repealed. Approved March 8, 1834.

AN ACT to restrain the taking of excessive Usury.

Sect. 1. Be it enacted by the Senate and House of Representatives, in Legislature assembled, That the legal rate of interest upon the loan or forbearance of any money, goods, or any kind of merchandise or things in action, shall continue to be six Dollars upon one hundred Dollars for one year, and at that rate for a greater or less sum, or for a longer or shorter time.

Sect. 2. Be it further enacted, That if any person or persons, upon any contract hereafter made, shall take, directly or indirectly, for loan of any moneys, wares, merchandise, or any other commodities, above the value of six Dollars, for the forbearance of one hundred Dollars for a year, and so after that rate for a greater or less sum, or for a longer or shorter time; and if, upon any bond, contract, mortgage and assurance, made for the payment of any money lent, or covenanted to be lent, upon or for usury, whereupon or whereby there shall be reserved or taken, above the rate of six Dollars in the hundred as aforesaid, the debtor or defendant may plead this act, and thereby avoid the excess over and above said legal rate.

Sect. 3. Be it further enacted, That where any person or persons shall be sued on any bond, contract, mortgage or assurance for the payment of any moneys, wares, merchandise, or other commodities, whereby or wherein any sum is given, secured or taken for the forbearing or giving day of payment for a longer or shorter time, then, if the creditor be alive, and the debtor or debtors or any one of two or more debtors shall come into Court, where the said cause is to be tried, and shall offer to make oath, and if required by the Court, shall actually swear to the same, that there is taken, reserved or secured by such bond, contract or assurance, above the rate of six Dollars in the hundred, for the forbearance of the property actually lent or sold, whether it be in money or other things, for one year, and so after that rate for a greater or less sum, or for a longer or shorter time, or that the creditor or creditors, have received, more than at the rate of six Dollars in the hundred, for the loan or forbearance of the moneys or other things actually lent or sold; all such excess over and above the legal rate which is hereby allowed to be received, shall be void; and the debtor shall be discharged from the payment of such excess, whether arising from moneys, goods, or other things lent, exchanged, bargained, sold, or agreed for as aforesaid, unless the creditor or creditors will swear that he, she or they have not, directly nor indirectly, wittingly taken or received more than after the rate of six Dollars in the hundred for forbearance or giving day of payment; and by such bond, contract, mortgage or assurance there is not reserved, secured or taken more than after the rate of six per centum, for forbearance or giving day of payment, for the moneys, goods or other things actually lent or sold, any law, usage or custom to the contrary not withstanding. Provided nothing in this act shall extend to bottomry, insurance or corse of exchange, as hath heretofore been practised.

Sect. 4. Be it further enacted, That every person who, for any such loan or forbearance, shall pay or deliver any greater sum or value than is above allowed to be received, or his personal representatives, may recover in an action against the person or persons who shall have taken or received the same, and his or their personal representatives, the amount of the money so paid, or value delivered, above the rate aforesaid, if such action be brought within one year after such payment or delivery; but this section shall not extend to any bills of exchange or promissory notes, payable to order or bearer, in the hands of an endorsee or holder, who shall have received the same in good faith, and for valuable consideration, and who had not at the time of discounting such bill or note, or paying such consideration for the same, actual notice, that such bill or note had been originally given, for a usurious consideration, or upon a usurious contract.

Sect. 5. Be it further enacted, That whenever a suit shall be brought, in any case, where more than legal interest shall be reserved and taken, the party so reserving and taking, shall recover no costs, but shall pay to the defendant or defendants his costs, provided such defendant or defendants or any one of two or more of them by his oath or plea shall recover the damages, by reason of such usurious interest.

Sect. 6. Be it further enacted, That all laws now in force inconsistent with the provisions of this Act be, and they are hereby repealed. [Approved by the Governor March 8, 1834.]

An additional Act to regulate the manufacture and inspection of Stone Lime and Lime Casks.

Sec. 1. Be it enacted by the Senate and House of Representatives, in Legislature assembled. That for every town in this State in which Stone Lime is manufactured, there shall be appointed by the Governor with advice and consent of Council and by them removable at pleasure as many persons to be Inspectors of Lime and Lime casks within their respective towns, as there may be necessary, who shall before they enter upon the duties of the office, be sworn faithfully to perform the same according to the laws of this State, and shall give bonds with sufficient sureties to the Treasurer of the county in which such Inspectors shall reside for the faithful performance thereof, each in the sum of two thousand dollars to be approved by the County Commissioners for the county in which such town is situated.

Sec. 2. Be it further enacted, That said inspectors so appointed shall perform all the duties and be subject to all the liabilities provided for inspectors in the acts to which this is additional in the manner provided by said acts; and each inspector appointed by virtue of this act, shall be paid by the manufacturer or owner of the lime so inspected, a sum not exceeding three dollars for each day he shall be employed in the inspection thereof and in that proportion for a less time.

Sec 3. Be it further enacted, That this act shall have effect and be in force from and after the first day of July next, when so much of the acts to which this is additional as provides for the appointment of an Inspector with the power of appointing deputies, and all acts and parts of acts inconsistent with the provisions of this act shall be repealed and cease to be in force. Provided, That any Inspector to be appointed by virtue of this act, may be appointed and qualified at any time from and after the passage thereof. Approved by the Governor, March 10, 1834.

An additional Act respecting the attachment of property on mesne process and directing the issuing, extending and serving executions.

Sect. 1. Be it enacted by the Senate and House of Representatives in Legislature assembled, That whenever a creditor shall have recovered judgment & execution against any debtor in this State and having caused to be attached on the original writ or to be taken on execution the right in equity of redeeming any real estate mortgaged, or of fulfilling the condition of any bond as contemplated in the several Acts to which this is additional, it shall be lawful for such creditor or his attorney to demand of the mortgagee or his assignee and the holder of such bond or obligor thereof, a disclosure in writing under his hand of the sum then due and secured by the real estate mortgaged as aforesaid and the condition of such bond and the amount of satisfaction which has been made towards the fulfilment thereof. And it shall be the duty of such mortgagee, assignee and holder of such bond to furnish such creditor or his attorney a statement in writing as aforesaid, within twenty-four hours after such demand; and he shall be answerable for all damages occasioned by his neglect to furnish such statement or for any false statement by him wilfully made in relation to the subject of inquiry to be recovered in a special action of the case in any court proper to try the same.

Sect. 2. Be it further enacted, That whenever any mortgagee, assignee, or holder of such bond or obligor thereof shall unreasonably neglect or refuse to furnish the statement required by the first section of this Act, for more than twenty four hours after demand made, the creditor or his attorney may make complaint thereof on oath to any two Justices of the Peace, Quorum unus in the county where such mortgagee, assignee or holder of such bond shall reside and the said Justices may thereupon proceed to take the deposition of such mortgagee, assignee, or holder of such bond or obligor thereof in relation to the facts required to be given by him in the statement aforesaid, in perpetuam, and the said Justices in their proceedings shall be governed by the several statutes which authorize and regulate the taking of Depositions.

Sect. 3. Be it further enacted, That if any person shall wilfully, falsely and corruptly testify in making the disclosures required in this Act, or shall neglect to appear at the time and place appointed for him to testify, or shall refuse to testify, he shall be subject to all the forfeitures, liabilities and penalties of witnesses for like offences. Approved by the Governor, March 11, 1834.

An Act authorizing Towns and Plantations to raise money for the purpose of purchasing land for public burying grounds.

Be it enacted by the Senate and House of Representatives in Legislature assembled, That the several Towns and Plantations in this State may at their annual meetings in March or April, vote to raise money necessary for purchasing land or place for a public burying ground in such town or plantation, and for suitably fencing in the same; to be assessed and collected as other town and plantation taxes are by law, to be assessed and collected, and to be expended under the direction of the Selectmen of towns and Assessors of plantations, respectively. Approved March 11, 1834.

An Act to repeal a part of the third section of an Act entitled an Act to establish a Medical School in this State.

Be it enacted by the Senate and House of Representatives in Legislature assembled, That so much of the third section of the Act entitled "An Act to establish a Medical School in this State," passed June the twenty seventh, one thousand eight hundred and twenty: which makes provision for a grant of one thousand dollars, to be paid annually out of the Treasury of this State to the President and Trustees and Overseers of Bowdoin College for the benefit of said Medical School, be and the same is hereby repealed from and after the first day of July next. Approved March 11, 1834.

An Act additional, to repeal certain provisions of "An Act establishing and regulating the fees of the several officers & other persons therein mentioned."

Be it enacted by the Senate and House of Representatives in Legislature assembled, That so much of an Act entitled "An Act establishing and regulating the fees of the several officers and other persons" therein mentioned, passed March twentieth, one thousand eight hundred twenty one, which provides that the Justices of the Circuit Court of Common Pleas shall be allowed "in every action where an issue in law or fact is joined," one dollar in addition to the fee for entry: and that for "entering a petition and making an order thereon for the sale of partition of real estate or for the location of public lots, seventy cents" be allowed; that the fees of the Clerks of the Circuit Court of Common Pleas for "accepting a report of referees, where the acceptation thereof is contested, sixty cents; otherwise thirty cents"—for "entering a petition and order thereon for the partition or sale of real estate or location of public lots, twenty cents;" for entering a petition, and making order thereon for the sale or partition of real estate, one dollar (be allowed to said Clerk as aforesaid) be and the same is hereby repealed. And it shall be the duty of the Clerks of the several Courts hereafter to do and perform the services heretofore required, for which they were entitled to receive the aforesaid fees free of charge, and without compensation. Approved March 12, 1834.

An Act additional giving remedies on judgments rendered by Courts of County Commissioners and prescribing the mode of levying executions against towns and plantations.

Section 1. Be it enacted by the Senate and House of Representatives, in Legislature assembled, That in all cases when any order or judgment named in the second section of the Act to which this is additional, has been or may be rendered or given against any town or plantation; or whenever any warrant of distress named in the first or second section of said Act, has been is

may be ordered to be issued against any town or plantation, as was ever any execution has been or may be issued upon any such order or judgment, it shall be lawful for any inhabitant of such town or plantation, or for any proprietor of any lands therein either before or after the issuing of any such warrant or execution to pay his or her just part or proportion of the sum for which such order or judgment shall have been made or rendered, or for which such warrant or execution may have been, or is directed to be issued—and such person's part or proportion shall be ascertained by an assessment or apportionment thereof, made by the assessors of the said town or plantation, and which service they shall be required to perform upon the request of any such inhabitant or proprietor of lands, or upon notice which may be given them by the County Commissioners as is hereinafter provided.

Sect. 2. Be it further enacted, That every such inhabitant or proprietor of lands who has or shall pay his or her said part or proportion, to the Treasurer of said town or plantation, for the use of the party or person interested in such order, judgment, warrant or execution, or who shall have paid or may pay to the party or person so interested or to the officer holding such warrant or execution, such person shall be discharged and exempt both in his person and property, from all such warrants of distress and executions.

Sect. 3. Be it further enacted, That if any warrant of distress or execution as aforesaid has heretofore been or shall be hereafter levied on the property or estate of any person who, at the time of said levy, had not as paid his or her said part or proportion of the same, every person, who having so paid or shall so pay as aforesaid his or her part or proportion of such sum named in the first section of this Act, shall be discharged and exempt from all executions which may be issued on any judgment that may be obtained against the inhabitants of any such town or plantation on account of said levy, and his person and estate shall forever thereafter be discharged and exempt therefrom.

Sect. 4. Be it further enacted, That the certificate of the major part of the assessors of said town or plantation of any person's part or proportion, shall be conclusive evidence thereof, and if delivered to said officer, he shall on payment in any manner as aforesaid of said part or proportion, in his return on said execution or warrant of distress, return the same satisfied for that sum, with the name of the person by whom paid.

Sect. 5. Be it further enacted, That no warrant of distress shall issue on any judgment of any Court of County Commissioners until twenty days after the rendering up of said judgment, and a certificate thereof be transmitted to the assessors of the town or plantation interested therein.

Sect. 6. Be it further enacted, That the Committee named in the twelfth section of "An Act directing the method of laying out and making provision for the repair and amendment of highways" passed the second day of March in the year of our Lord one thousand eight hundred and twentyone, shall, forthwith, on making the contract therein named, file a certified copy thereof in the office of the Clerk of the Court of County Commissioners, from which they received their appointment; and said Court shall, forthwith, certify to the assessors of the town or plantation interested, the amount which said Committee have contracted to give, and the time within which said contract is to be completed.

Sect. 7. Be it further enacted, That all Acts and parts of Acts inconsistent with the provisions hereof shall be and hereby are repealed, and that this Act shall go into operation and take effect from and after its approval by the Governor. Approved by the Governor, March 12, 1834.

An Act defining the time from which Public Statutes shall take effect.

Section 1. Be it enacted by the Senate and House of Representatives, in Legislature assembled, That all Public Statutes shall take effect, and have force, in thirty days from the recess of the Legislature, passing the same, unless the provisions of any law shall otherwise order.

Sect. 2. Be it further enacted, That the Act entitled "An Act defining the time from which Public Statutes shall take effect," passed this session of the Legislature, be and the same is hereby repealed. Approved by the Governor, March 12, 1834.

An Act additional regulating the selection, empannelling and service of Jurors.

Section 1. Be it enacted by the Senate and House of Representatives in Legislature assembled, That the selectmen, treasurer and clerk of the several towns in this State, shall constitute a board for preparing lists of Jurors to be laid before said towns respectively for their approval, and the said towns shall have power by a majority of the legal voters in legal town meeting assembled, to make alterations in such lists, by striking out such names therefrom, as they deem proper, but shall not be allowed to insert any other names therein.

Section 2. Be it further enacted, That so much of the act to which this is additional as is inconsistent herewith, be, and the same is hereby repealed. Approved March 12, 1834.

An Act concerning Pounds, Beasts impounded, and stray Beasts.

Section 1. Be it enacted by the Senate and House of Representatives in Legislature assembled, That each town shall constantly keep and maintain a sufficient pound or pounds in such place or places therein, as the town shall direct: and every town that shall neglect for the space of six months to provide and maintain such pound, shall forfeit and pay a sum not less than fifty dollars nor more than one hundred dollars, to be recovered by presentment of the Grand Jury in the Court of Common Pleas, for the same County, for the use of said town, to build or maintain such pound or pounds.

Section 2. Be it further enacted, That if any horse, or horse-kind, ass, mule, swine, goat, sheep, or neat beast shall, at any time, be found going at large, without a keeper, in the highways, roads, town-ways, or commons of the town, the owner thereof shall forfeit seventy five cents for every horse, horse kind, ass or mule; twenty five cents for every swine, goat, or neat beast; and ten cents for every sheep; recoverable by action of debt to the use of the prosecutor; or the same beasts may be impounded, and restrained in any pound of the town, till the forfeiture, with the charges for impounding and keeping such beasts, and all fees shall be paid by the owner or claimant. And if such horse kind so found be an ungelded male of one year old and upwards, the owner thereof shall forfeit a further sum of four dollars; and if any ram or he-goat shall be so found going at large in any place out of the owner's inclosure between the tenth day of August and the twentieth day of November, he shall forfeit and pay five dollars: Provided, however, That any town may by vote thereof at the annual meeting for the choice of officers, allow and permit cows, and any other particular description of neat beasts, to go at large within such town, or any part thereof, at any, or all times, within one year from the meeting.

Section 3. Be it further enacted, That any person endamaged or injured in his tillage, garden, mowing, or other lands under improvement, that are inclosed with a legal and sufficient fence, by any of the beasts aforesaid, may maintain an action of trespass against the owner of the beast for the damage done; or he may impound the beasts doing the damage, or some of them, at his election, in one of the town pounds, there to be restrained, till the damages, the charges for impounding and keeping them and all fees shall be paid But if such beast should break into a person's inclosure through such part of the fence as was not sufficient by law, being lawfully on the opposite side thereof; no such beast shall be impounded, nor action be maintainable, for a breach over or through such insufficient part: But should such beast, either be clandestinely turned in; or, being unlawfully on the opposite side of such insufficient part should break through the same; or should break through such part as was sufficient by law, though other parts of the fence around the same inclosure were not by law sufficient; then in either case the person endamaged shall have a right to sue or impound, at his election, as previously provided in this section.

Section 4. Be it further enacted, That there shall be annually chosen in every town a suitable person to keep each pound therein, who shall be sworn to the faithful discharge of his trust. And he shall have and keep a book, wherein he shall enter at length, the certificates he shall receive from the persons committing beasts to the pound, or finding stray beasts; shall record a single copy of all advertisements by him posted or published, and shall note therein the time when a beast was impounded, and the time when and the person by whom taken away; which book of records shall have the same validity in law as town records; and shall be delivered over by him to his successor. And it shall be the duty of the pound keeper to restrain the beasts impounded in the own pound, or such other place after the first day as shall be more for the comfort of the beast or more convenient for its safety or for giving it food and drink, which shall be furnished by him at the expense of the impounder. And if the person impounding will not pay in advance, or give sufficient security for the keeping such beast in pound, till taken away by the owner or disposed of according to law, the said pound keeper shall be under no obligations to receive such beast into pound, till such payment or security be offered.

Section 5. Be it further enacted, That before any pound keeper shall be required to receive any beast into pound, the impounder shall send or deliver to the pound keeper a certificate of the following purport.

To the pound keeper of B ——.

The undersigned A— B— of B— herewith commits to pound [a horse, or cow, as the case may be, with a short description of the beast] taken up [in the highway, or the inclosure of said A— B— in B—, as the case may be] and the said A— B— demand- dollars and cents for damages or forfeiture [as the case may be] and the unpaid charges for impounding the same. Witness my hand

A— B—. B—, [date] 183 .

And no action shall be brought against the pound keeper for restraining or detaining such beast or beasts, till the forfeiture, or the damages, charges of impounding and keeping the same, and all lawful costs and fees are paid to him. But if the person whose beast is impounded, damage feasant, shall think the damages demanded are unreasonable, or if no claimant appear before the beasts be libelled, the pound keeper, in either case, shall issue a warrant of the following purport:

P. ss. To E. F. and G. H., two disinterested freeholders of said County, Greeting.

You are hereby appointed to view and estimate, upon oath, according to your best judgment the damages done to A B. by the [horse, oxen, as the case may be] owned or claimed by C. D. or by owner unknown, and make due return to me within twenty four hours, with your doings therein: first giving the said A. B. reasonable notice of the time when you will view the place where the damages were done. —Given under my hand this day of A. D. 18 .

O. P. pound keeper.

Return of the appraisers:—Pursuant to this warrant, we the undersigned, being first sworn to the faithful performance of the trust to which we have been appointed, and having given said A. B. reasonable notice as required, do hereby certify, that we have viewed and do estimate the said damages at dollars and cents and no more.

E. F. } Appraisers.
G H }

B. [date] 183 .

And the sum thus reported shall be taken instead of that first demanded. Such warrant is to be granted at any time within ten days after the day of impounding and not afterwards; and the oath to the appraisers may be administered by the pound keeper or any Justice of the Peace, and must be certified on the same warrant.

Section 6. Be it further enacted, That whoever shall take up in the highway, town-way, road, or commons, or within his inclosure or possessions, any of the aforementioned beasts as estrays, he shall, within ten days, if no owner calls for the beast send the same to a pound keeper of the same town, with a certificate like the preceding one, sent or delivered where a beast is impounded, which beast the pound keeper shall carefully keep till called for by the owner, and till the charges of keeping, removing and advertising the same are paid, or the same be disposed of as hereinafter prescribed. And if the possessor of such stray beasts, shall fail to certify and deliver the same to a pound keeper, within said ten days, then shall he for every week after ten days, lose the keeping and forfeit and pay one *per centum* of the value of such stray beast, until the whole value thereof shall be recovered of him with costs; or until he shall so certify and deliver the same to a pound keeper.

Section 7. Be it further enacted, That in all cases, whether the beasts be impounded, or committed to the pound keeper as estrays, be delivered to him, he shall forthwith advertise the same, stating the name of the impounder or finder, and the time and cause of committing the same to his custody—describing the beast, and requesting the owner to pay what is legally and justly demandable, and take the same away: which advertisement shall be kept posted at or in the pound keeper's dwelling house, and also be posted in two other public places in the same town, & also cried on three several days, if there be a town crier; & in case the beast shall exceed the value of ten dollars, he shall also cause the same to be published in a newspaper, (if any) printed in the same county; And if the owner thereof shall not, within twenty days next, after the posting or publishing such notice, appear and claim such beast aforesaid, and also pay what is by this act lawfully demandable, including charges, fees and costs, then shall the pound keeper, within the succeeding twenty days, and not afterwards, proceed to libel the same in the name of the impounder or finder, in manner directed by "An Act prescribing the mode of recovering forfeitures of personal property, liable thereto by law; in which process, the pound keeper may be a witness. But no appeal shall be allowed from any judgment or decree of the Court of Common Pleas, in any case of libel under this Act. The libel shall be of the following purport.

P. ss. To the Hon. Court of Common Pleas, next to be holden at within and for the County of on the day of in the year of our Lord, [or, as the case may be.]

To Esquire, one of the Justices of the Peace within and for the County of

The libel and complaint of A— B— of in the County of by O— P—, a pound keeper in said humbly shows, that he, the said A— B— at on impounded or found [as the case may be,] the following beasts, [as the fact may be] to wit, [here describe them] doing damage in his inclosure, going at large, or found, [here describe the place] and that the same have been advertised as the law directs; and no person has appeared and made claim thereto, and paid the demands for which the same is holden and detained: wherefore your libellant prays the Court to decree a sale thereof, as the law in such cases provides. A— B— By O— P—, pound keeper B—[date.] And after notice proved, as required to be given in the case of libels for forfeitures, and a decree or judgment of sale, which the Court shall have power to award, for the causes in this act mentioned,—a writ or precept shall be issued for the execution of such decree in form following.

State of Maine.

P. ss. To the Sheriff of our County of or his deputy, or any Constable of the several towns in the same County. Greeting. [Seal] Whereas, A— B— of within the County of through his agent, O— P— pound keeper, by the consideration of our Justice Court, holden at on by Esquire, a Justice of the Peace for said County, or [as the case may be] of our Justices of our Court of Common Pleas, holden at on within our County of obtained a decree for the sale of the following [here insert a description of the property as in the libel] with costs taxed at as to us appears of record, whereof execution remains to be done. We command you, therefore, to make sale of the same in manner prescribed by law for the sale of goods and chattels in satisfaction of executions, and after deducting your lawful fees, you will pay over the residue to the said pound keeper and take his receipt thereon for the same. Hereof fail not, and make due return, with your doings thereon, within thirty days. Witness, [the close to be like that of other executions] And the pound keeper shall retain sufficient to remunerate himself, his lawful charges and fees; pay to others interested, their lawful dues respectively,—and deliver over the balance to the County Treasurer of the same county within thirty days, which balance the latter shall pay over, at any time within six years, to such one on his written request, as shall satisfactorily make out his right thereto, as having been the true owner of the property before it was sold; but if the County Treasurer shall refuse to pay the same to the claimant, the claimant may appeal to the next Court of County Commissioners, whose decision shall be conclusive and final in the case. If the said County Treasurer shall not so pay over the same to a claimant, within six years, he shall immediately after the expiration of that period, pass the same to the credit of the County. Provided always, That the owner of such beast aforementioned, shall at any stage of the proceedings, before final decree therein (and not afterwards,) have the same delivered to him, on his payment of all lawful claims and dues thereon, up to the time of demand.

Section 8 Be it further enacted, That whenever any person shall replevy the beasts herein mentioned, he shall bring his action against the impounder or finder, and not against the pound keeper, though a copy of the writ shall be served on him as also on the defendant: and the process shall, in other respects be regulated by "An Act directing the mode of process to be adopted in replevying of cattle or beasts distrained, and also of goods and chattels." And if the Plaintiff in replevin be absent when the writ is sued out, it may be served: and his bondsmen in the replevin-bond, shall be holden in the same manner and to the same extent, as though he had himself signed and sealed it, and he may add his signature and seal thereto, at any time before trial. If the property shall be replevied, while the process under the libel is pending, the latter shall be continued in Court till the action of replevin be decided. But no such action of replevin shall be sustained, unless the writ be served before a decree is awarded on the libel.

Section 9. Be it further enacted, That whoever shall rescue or release any beast after being taken into custody or being in the possession of any person, for the causes in this act mentioned, or prevent in any way the impounding of any beast, or occasion the escape thereof, so that the law be evaded—the wrong doer shall forfeit a sum not exceeding twenty Dollars nor less than five Dollars, according to the circumstances and aggravations of the case—and shall be further liable to pay the party injured in an action of the case, the full damages with charges and costs, which he might have received by impounding the beast.

Section 10. Be it further enacted, That if any person shall make any pound-breach, or by any indirect way or manner whatever, convey or deliver any of the beasts aforesaid, impounded, from the pound or place where they may be restrained—the person thus offending shall forfeit and pay a fine not less than ten Dollars and not more than fifty Dollars, to be recovered by a presentment of the Grand Jury, to the use of the town—and the person offending as aforesaid, shall be liable to pay the party injured, or impounding such beast or beasts, double the damage or forfeitures he may be entitled to by the impounding of such beasts, to be recovered in an action of the case, and such party or impounder, when the pound breach or rescue is effected by an apprentice or minor, may prosecute for damages or forfeitures the parent or master under whose care such apprentice or minor may then be, or the apprentice or minor at his election, in which action, as well as for damages occasioned by the rescue of the beasts about to be impounded, the defendant shall not be permitted to give in evidence, the insufficiency of the fence, if any such there be—or that the beasts, when taken, were under such circumstances as to render the impounding illegal, to prevent the party, from recovering his full damages or forfeitures.

Section 11. Be it further enacted, That all forfeitures in this act mentioned, where no mode of recovery is prescribed, shall be by action of debt, to the use of the prosecutor, in any Court proper to try the same. But no action shall be brought for the recovery of any such forfeitures after the lapse of ninety days from the time the same accrued.

Section 12. Be it further enacted, That the fees which the said Pound-keeper shall receive shall be twenty-five cents for turning the key upon any beast or beasts impounded, at one and the same time—twelve cents and a half, for recording every certificate and advertisement, and the same for each advertisement posted or published—and for his necessary travel, his fees shall be the same as a witness. And the party impounding such beast, or delivering the same to the pound keeper, shall have a reasonable sum for his trouble, to be determined by the pound keeper—not however in any case to exceed one half part of the respective forfeitures in the second section of this act mentioned. And the price which the pound keeper shall be allowed for keeping and feeding the beasts committed to pound or to his custody for causes aforesaid, shall be prescribed by the Selectmen of his town, and recorded on the town books, and be binding till altered by the like officers.

Section 13. Be it further enacted, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.—Particularly "An Act respecting pounds and impounding beasts going at large or damage feasant," passed March 20, 1821—"An Act extending the powers of towns to restrain cattle running at large," passed June 27, 1820—and "An Act respecting lost Goods and Stray beasts," passed January 27, 1821, so far as it regards stray beasts. Approved March 12, 1834.

An additional Act concerning foreign Attachment.

Be it enacted by the Senate and House of Representatives in Legislature assembled, That every person on whom shall be served in any mode now prescribed by law any Trustee Process in any of the cases now provided for by law, shall, if otherwise liable as trustee, be holden and adjudged trustee by the Court to which said process may be returned, notwithstanding he may not then be, or may not at any time have been, resident within this State; and the writ in the cases herein provided for, may be made returnable in any County in which either the Plaintiff or Defendant may reside. Approved by the Governor, March 12, 1834.

AN ACT for the regulation of Innholders, Retailers, and common Victuallers.

Sec. 1. Be it enacted by the Senate and House of Representatives, in Legislature assembled, That no person shall be allowed to be a common victualler, innholder, or seller of wine, brandy, rum, or any strong liquors, by retail or in less quantity than twenty eight gallons, and that delivered and carried away all at one time, except such person be duly licensed as is hereinafter provided on pain of forfeiting the sum of Fifty Dollars; and if any person shall at any time sell any spirituous liquors, or any mixed liquors, part of which is spirituous, without license therefor, duly had and obtained according to law, he shall forfeit and pay for each offence, the sum of Ten Dollars.

Sec. 2. Be it further enacted, That it shall be the duty of the Selectmen, Treasurer and Town Clerk of each and every town, and the Assessors, Treasurer and Clerk of each Plantation, and the Aldermen and City Clerk of each City in this State to meet on the first Monday of September, annually, or on the succeeding day, at such time on either or both of said days, and at the place they shall appoint, by posting notice thereof in two public places in such town, plantation, or city, seven days before the time of such meeting, and at such meeting may license to be victuallers, innholders, or sellers of wine, brandy, rum, or other strong liquors by retail in such town, plantation, or city for one year from that date, as many persons of sober life and conversation and of a good moral character and suitably qualified for the employment, for which they may severally apply to be licensed, as they may deem necessary; each person who shall be so approved, shall, before being licensed give a bond with sufficient surety or sureties to the Treasurer of the town, plantation or city in which said license shall be granted, in the penal sum of three hundred dollars, which bond shall be in form following:

Know all men by these presents, That we within the (town of) in the State of Maine, are holden and stand firmly bound and obliged unto A. B. Treasurer of said town of in the full sum of Three Hundred Dollars, to be paid to the said A. B. and his successor in said office, to the true payment whereof, we do bind ourselves and each of us, and our heirs, executors, and administrators, jointly and severally, by these presents. Sealed with our seals—Dated the day of in the year of our Lord, one thousand eight hundred and

The condition of this obligation is such, that whereas the above named having been duly licensed as an Innholder, (or as the case may be) within said town of for one year next ensuing the date hereof; now if the said shall in all respects, observe and conform himself to such rules and regulations in reference thereto as may be prescribed by the board granting said license, and shall in no respect violate any of the provisions of the Act for the regulation of Innholders, retailers & common victuallers, then the above written obligation shall be void & of none effect, or else shall abide and remain in full force and virtue. And each of the persons who shall be so licensed, shall pay to the Selectmen, Treasurer and Town Clerk of Towns, or to the Assessors and Clerk of Plantations, or to the Aldermen and City Clerk (as the case may be) the sum of One Dollar as a fee for granting such license; and the clerks respectively shall make a record of all licenses granted; and said Selectmen, or Treasurer and Clerk, or Alderman and Clerk, may at any other time, at a meeting held for that purpose, license any person suitably qualified as aforesaid, and all licenses shall expire on the first Monday in September after granting the same; all licenses now granted shall continue for the time for which they were granted.

Sec. 3. Be it further enacted, That all innholders shall at all times be furnished with suitable provisions and lodgings for the refreshment and entertainment of travellers, pasturing and stable room, hay, and provender, (saving that in populous towns, stable room, hay and provender only are required) for their horses and cattle, on pain of incurring the forfeiture of the penalty of their bond. And every licensed innholder, shall at all times, have a board or sign affixed to his or her house, or in some conspicuous place near the same, with his or her name at large thereon, and the particular employment for which he or she is licensed; and if any innholder enjoined by law, to be suitably provided to receive & entertain strangers, travellers, or others, as occasion may require, shall be convicted of refusing to make suitable provisions when desired, for the receiving of strangers, travellers, and their horses and cattle, or for any public entertainment, such person upon being convicted thereof in any Court of competent jurisdiction shall forfeit the penalty of their bond as aforesaid.

Sec. 4. Be it further enacted, That no innholder, victualler, or retailer, shall have or keep in or about their houses, shops, yards, gardens, or dependencies, any dice, cards, bowls, billiards, quoits, or any other implements used in gaming; nor shall suffer any person or persons resorting unto any of their houses or shops to use or exercise any of the said games, or any other unlawful game or sport within their said houses, shops or any of the dependencies as aforesaid, or places to them belonging on pain of forfeiting the sum of Ten Dollars for every such offence; and every person convicted of playing as aforesaid in any such house, shop, or dependencies thereof, shall forfeit the sum of Five Dollars.

Sec. 5. Be it further enacted, That no innholder, victualler or retailer, shall suffer any revelling, riotous or disorderly conduct in his house, shop, or dependencies thereof—And no innholder, victualler, or retailer, shall suffer any person to drink to drunkenness or excess in his or her house or shop or suffer any minor, or servant to sit drinking there, or to have any strong drink there under the pain of incurring the forfeiture of their said bond.

Sec. 6. Be it further enacted, That it shall be the duty of the Selectmen of each town, the Assessors of each plantation and the Aldermen of each city to deliver to each innholder and retailer by them licensed, at the time of granting such license and as often afterwards as any case shall occur the name of every person known by them to be addicted to intemperate use of strong liquors, and every innholder or retailer who shall sell or in any manner furnish to any such person any wine, spirituous or mixed liquors, part of which is spirituous shall forfeit the penalty of their bond.

Sec. 7. Be it further enacted, That whenever any person shall by idleness or excessive drinking of spirituous liquors, so mispend, waste, or lessen his estate, as thereby either to expose himself or his family to want or indigent circumstances, or the town to which he belongs, to a charge or expense for the maintenance or support of him or his family, or shall so endanger himself in the use of spirituous liquors, as thereby greatly to injure his health or endanger the loss thereof, such Selectmen or Assessors, shall in writing under their hands, forbid all licensed persons, in their respective towns and plantations to sell to any of said misspenders of time and estate any spirituous or strong liquors in this Act mentioned, for the space of one year, and shall in like manner forbid licensed persons of any other town, or plantation to which such misspender may resort for the same. And if any of the persons contained in the said prohibition shall not in the opinion of the said Selectmen or Assessors, or the major part of them, have reformed during the year aforesaid, in such case the Selectmen of such town or the Assessors of such plantation shall renew the prohibition in manner as aforesaid; and if any licensed victualler, innholder, or retailer of spirituous or strong liquors, shall, during any such prohibition, sell to any person contained therein, any spirituous liquors in this Act mentioned, he shall incur the penalty of his said bond.

Sec. 8. Be it further enacted, That the Selectmen, Treasurer and Town Clerk of each town, the Assessors Treasurer and Clerk of each plantation and the Aldermen and City Clerk of each City, are hereby empowered, and it shall be their duty, in every instance which shall come to their knowledge, of a violation of any of the provisions of this Act, by any innholder, retailer or victualler, to revoke and make void the license of such innholder, retailer or victualler, and to cause the bond of such innholder, victualler, or retailer to be prosecuted, after complaint made and hearing thereon.

Sec. 9. Be it further enacted, That whenever the Selectmen of any town, the Assessors of any plantation, or the Aldermen of any city, shall have forbidden licensed persons from selling to any person addicted to the intemperate use of strong liquors, or to any misspenders of their time and estate, any spirituous or strong liquors agreeably to the directions of this Act, it shall not be lawful for any person to purchase or procure, for and in behalf of such prohibited person, for his use any spirituous or strong liquors; and if any person or persons shall purchase, procure, or sell, or shall cause to be purchased, procured or sold, any spirituous or strong liquors, to, or for the use of any such prohibited person during the continuance of such prohibition, as aforesaid, he shall forfeit and pay the sum of Ten Dollars.

Sec. 10. Be it further enacted, That every fine, forfeiture or penalty not exceeding Twenty Dollars, arising for any of the offences aforesaid, shall be recovered by action of debt before any Justice of the Peace within the same County, where said offence was committed; one moiety thereof to the use of the person who may sue therefor, and the other moiety thereof to the use of the town, where such offence was committed, and all forfeitures or penalties exceeding Twenty Dollars whether on bond or otherwise, shall be recovered by action of debt in any Court competent to try the same. And the whole of such forfeitures and penalties shall be for the use of the town where the offence was committed. It shall be the duty of the Selectmen, Treasurer, Town Clerk of towns, the Assessors, Treasurer and Clerk of plantations, and the Aldermen and City Clerk of cities to prosecute each and every person who without being duly licensed shall presume to be a common victualler, innholder or retailer, upon their obtaining evidence thereof.

Sec. 11. Be it further enacted, That this Act shall take effect and be in force from and after the first Monday of September next; and all acts and parts of acts relating to the subject of innholders, retailers and common victuallers, be, and the same are hereby repealed from and after the time aforesaid.

In the House of Representatives, March 13, 1834, this bill, having had three several readings, passed to be enacted. NATHAN CLIFFORD, Speaker.

In Senate, March 13, 1834, this bill having had two several readings, passed to be enacted.

JOSEPH WILLIAMSON, President.

March 13, 1834, Approved.]

ROBERT P. DUNLAP.

AN ACT to provide for the instruction of Youth.

Whereas the Constitution of this State, has declared that a general diffusion of the advantages of education and the means of useful knowledge are essential to the preservation of the rights and liberties of the people, and has made it the duty of the Legislature to require the several towns to make suitable provision at their own expense for the support and maintenance of Public Schools:

Sect. 1. Be it enacted by the Senate and House of Representatives in Legislature assembled, That every town and plantation shall annually raise and expend, for the maintenance and support of schools therein, to be taught by School Masters duly qualified, a sum of money, exclusive of the income of any incorporated school fund, not less than Forty Cents for each inhabitant, the number to be computed according to the next preceding census of the State, by which the representation thereof has been apportioned. Provided, That a part, not exceeding one third of the money allotted to any district, may, if the district so determine, be applied to the support of a school taught by a mistress, or when the sum so allotted to a district in any year, shall not exceed thirty-five dollars, the whole may be expended in the same manner. Provided however, That whenever the inhabitants of any School District may be desirous of applying to the support of a School taught by a Mistress a greater proportion of the money assigned to them than is herein allowed, and shall so determine at any legal District meeting held for that purpose, and make known the same to the Superintending School Committee, said Committee shall have power to direct what sum shall be applied for the purpose aforesaid:—And that whenever the inhabitants of a School District shall determine to apply a part of their school money to the support of a School taught by a Mistress and part to that taught by a Master, they may determine in District meeting, or empower the School Committee, or a special Committee by them chosen, to determine what description of scholars shall attend each School, and assign them to the one or the other, in such manner as shall promote their best proficiency and greatest benefit.

Sect. 2. Be it further enacted, That it shall be the duty of the Presidents, Professors and Tutors of Colleges, and the Preceptors and Teachers of Academies, and all other instructers of youth, to take diligent care, and exert their best endeavors to impress on the minds of children and youth committed to their care and instruction, the principles of morality and justice, and a sacred regard to truth, love to their country, humanity and universal benevolence; sobriety, industry and frugality; chastity, moderation and temperance; and all other virtues which are the ornaments of human society.—And it shall be the duty of such instructers to endeavor to lead those under their care, (as their ages and capacities will admit) into a particular understanding of the tendency of the before mentioned virtues, to preserve and perfect a republican constitution, and secure the blessings of liberty, as well as to promote their future happiness, and the tendency of the opposite vices to slavery, degradation and ruin.

Sect. 3. Be it further enacted, That there shall be chosen by ballot at the annual meeting in each town and plantation a Superintending School Committee, who shall be sworn to the faithful discharge of their duties, consisting of not less than three nor more than five persons, whose duty it shall be to examine School Masters and Mistresses proposing to teach therein. And it shall be the duty of such Committee to visit and inspect the Schools in their respective towns and plantations, and inquire into the regulations and discipline therein and the proficiency of the scholars therein, and use their influence and best endeavors that the youth in the several Districts regularly attend the Schools; and the said Committee shall have the power to dismiss any School Master or Mistress who shall be found incapable or unfit to teach any School, notwithstanding their having procured the requisite certificates; but the towns and plantations shall be bound to pay such instructers for the time they have been employed.—And the said Committee are hereby authorized and empowered for misconduct, to expel from any School any obstinately disobedient and disorderly scholar, when after a proper investigation of his or her behavior, they shall judge that the peace and usefulness of the School will thereby be promoted; and shall also have the power to restore such scholar, on satisfactory evidence produced to them of repentance and amendment. And the said Committee shall have power to direct what School Books shall be used in the respective Schools, and to fill any vacancy in their number, which may occur after the annual election; and it shall be the further duty of said Committee to make a written report at the annual meeting for the choice of town officers, in said town, of the standing and the progress, which the scholars in their respective Districts may have made in the several branches of learning therein taught, and the various success which may have attended the mode of instruction and government of their respective teachers. Provided, the town does not otherwise instruct. And at the meeting for the choice of town officers, there shall be chosen an Agent for each School District, whose duty it shall be to hire the School Masters or Mistresses for their respective Districts, and to provide the necessary fuel and utensils for the Schools. Provided however, Any town or plantation in this State, if they think proper, may by a vote of such towns or plantations at their annual meeting in the month of March or April, authorise the several School Districts in their towns and plantations to choose their School Agent or Agents in District meeting lawfully assembled, which choice shall be by ballot; and the Agent so chosen shall continue in office one year, or until another is chosen in his stead; and the said Agents shall, before entering upon their said office, be sworn to the faithful discharge of the duties thereof. And each of said Agents shall in the month of May, in each year, return to the Selectmen of said towns, and to the Assessors of said plantations a list certified by each of said Agents to be a true and correct list of the scholars in their respective Districts, exclusive of those attending any College or Academy not belonging to such District and also exclusive of those laboring in any manufacturing establishment, whose parents or guardians do not reside within the town where such manufacturing establishment is located, between the ages of four and twenty-one years, as the same existed on the first day of said month, for the purpose or enabling said Selectmen and Assessors to furnish a statement as provided for in the fifth section of this Act, or the list of scholars may be taken by the Selectmen of any town as may be determined on in the meeting aforesaid. And it shall be the duty of the Agent of every school district, to give notice to some one of the superintending school committee of the town or plantation, including such districts within its limits, on or before the opening of every town or plantation school, of the time the school commences, and the time for which the instructer is engaged therein, and it shall be the duty of one or more of the superintending school committee, to visit each school within the town or plantation at least twice during the term for which such school is kept, once within three weeks from the commencement of such school, and once within two weeks before the close thereof.—If any parent, master or guardian, shall, after notice given him by the Master or Mistress of any school, refuse or neglect to furnish their several scholars with suitable books, the Selectmen of the town or Assessors of the plantation thereof, on being notified by said master or mistress, shall furnish the same at the expense of the town or plantation, which expense shall be added to the next town or plantation tax of such parent, master or guardian.

Sect. 4 Be it further enacted, That no person shall be employed as a schoolmaster, unless he shall be a citizen of the United States and shall produce a certificate from the superintending school Committee of the town or plantation where the school is to be kept, and also from some person of liberal education or literary pursuits and good moral character, residing within the State, that he is well qualified to instruct youth in reading, writing the English language grammatically and in arithmetic and other branches of learning usually taught in Public schools; and also a certificate from the Selectmen of the town or the Assessors of the plantation where he belongs, that to the best of their knowledge he is a person of sober life and conversation, and sustains a good moral character. And no person shall be employed as a school mistress unless she shall produce a certificate from the superintending school Committee of the town or plantation where the school is to be kept, that she is suitably qualified to teach the English language grammatically, and the rudiments of arithmetic, and produce satisfactory evidence of her good moral character.

Sect. 5. Be it further enacted, That it shall be the duty of the Assessors of each town and plantation to assign to each school district a proportion of the money raised in each year for the support of schools according to the number of children therein, between the ages of four and twenty-one years, exclusive of those attending any College or Academy not belonging to such District and also exclusive of those laboring in any manufacturing establishment, whose parents or guardians do not reside within the town where such manufacturing establishment is located, on the first day of May, annually, which shall be the number by which the Assessors shall apportion the money raised for the support of schools, and the Assessors of towns shall certify such assignment to the Selectmen. Provided, That whenever any town or plantation shall raise a sum of money exceeding that required by this Act, such surplus may be distributed among the several school districts in such manner as the town or plantation may determine.—And if any town or plantation shall fail to raise and expend annually for the support of schools the amount of money required by this act, they shall forfeit and pay a sum not less than twice nor more than four times the

☞ *For the Remainder, see accompanying paper.*